

117TH CONGRESS
2^D SESSION

H. R. 9460

To criminalize transnational repression, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2022

Mr. SCHIFF (for himself, Mr. CARSON, Mr. CASE, Mr. HIMES, Mr. KEATING, Mr. KRISHNAMOORTHY, Mr. MALINOWSKI, Ms. NORTON, and Mr. QUIGLEY) introduced the following bill; which was 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

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

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

1 this has a serious impact on their advocacy work
2 and sense of security, even if they have relocated to
3 escape physical intimidation.

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

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

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

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

1 transnational repression to 36. The number of host
2 countries, or countries where acts of transnational
3 repression took place, rose from 79 to 84, including
4 the United States.

5 **SEC. 3. SENSE OF CONGRESS.**

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

20 **SEC. 4. CRIMINALIZING TRANSNATIONAL REPRESSION.**

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

1 **“§ 971. Transnational repression**

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

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

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

13 “(d) DEFINITIONS.—In this section:

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

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

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

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

6 “(A) The activity involves—

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

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

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

19 “(iv) an extrajudicial killing.

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

24 “(C) The activity—

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

3 “(ii) is committed against—

4 “(I) a United States person;

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

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

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

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

“971. Transnational repression.”.

21 **SEC. 5. CENTRALIZATION OF OVERSIGHT OF**
22 **TRANSNATIONAL REPRESSION PROSECU-**
23 **TIONS AND INVESTIGATIONS.**

24 (a) NATIONAL SECURITY DIVISION.—The Attorney
25 General shall centralize oversight of transnational repres-

1 sion prosecutions in the National Security Division of the
2 Department of Justice, or any successor organization.

3 (b) COUNTERINTELLIGENCE DIVISION.—The Attor-
4 ney General, acting through the Director of the Federal
5 Bureau of Investigation, shall centralize oversight of
6 transnational repression investigations in the Counter-
7 intelligence Division of the Federal Bureau of Investiga-
8 tion, or any successor organization.

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

11 (1) the Assistant Attorney General for the Na-
12 tional Security Division of the Department of Jus-
13 tice may coordinate with other divisions of the De-
14 partment of Justice, as appropriate; and

15 (2) the head of the Counterintelligence Division
16 of the Federal Bureau of Investigation may coordi-
17 nate with other divisions of the Federal Bureau of
18 Investigation, as appropriate.

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

20 (a) REPORTS.—Not later than 180 days after the
21 date of enactment of this Act, and annually thereafter,
22 the Assistant Attorney General for the National Security
23 Division of the Department of Justice and the Director
24 of the Federal Bureau of Investigation, in consultation
25 with the Director of National Intelligence and the head

1 of any other department or agency the Assistant Attorney
2 General and Director of the Federal Bureau of Investiga-
3 tion determines appropriate, shall submit to the appro-
4 priate congressional committees a joint report on incidents
5 of transnational repression against or otherwise impacting
6 a United States person. Each report shall contain the fol-
7 lowing:

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

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

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

23 (4) A description of efforts during the previous
24 calendar year by any agency of the United States
25 Government to disrupt transnational repression

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.

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