



(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# 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.

1           (2) The Federal Bureau of Investigation defines  
2           transnational repression as foreign government  
3           breach of national borders through physical and dig-  
4           ital means to intimidate, silence, coerce, harass, or  
5           harm members of diaspora and exile communities in  
6           violation of United States law. Transnational repres-  
7           sion is often used to silence individuals who are per-  
8           ceived to oppose or are critical of a government, in-  
9           cluding journalists, writers and artists, human rights  
10          defenders, religious or ethnic minority groups, and  
11          political opponents. Methods of transnational repres-  
12          sion may include physical and digital stalking, har-  
13          assment, computer hacking, phone tapping,  
14          INTERPOL abuse, criminal threats, assaults, at-  
15          tempted kidnappings, coerced repatriation, and de-  
16          taining 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 support a comprehensive, “whole-of-gov-  
8       ernment” 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 charged a number of individuals with stalking,  
13       harassing, and illicitly acting as agents of foreign  
14       governments, who allegedly perpetrated  
15       transnational repression to silence United States  
16       residents who were critics of the People’s Republic  
17       of China.

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

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

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

19   **SEC. 3. SENSE OF CONGRESS.**

20          It is the sense of Congress that hostile nations and  
21          authoritarian regimes have increasingly and aggressively  
22          targeted individuals in the United States and persons out-  
23          side the United States. Agents of these governments have  
24          acted outside diplomatic channels to threaten, intimidate,  
25          harass, surveil, stalk, silence, and even plot to physically

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

13 **SEC. 4. CRIMINALIZING TRANSNATIONAL REPRESSION.**

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

16 **“§ 971. Transnational repression**

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

1 title, or imprisoned for any term of years or for life, or  
2 both.

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

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

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

19 “(e) DEFINITIONS.—In this section:

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

24 “(2) EXTRAJUDICIAL KILLING.—The term  
25 ‘extrajudicial killing’ means an act with the intention

1 to or in the knowledge that such act will end the life  
2 of another person, when that act is not incident to  
3 lawful sanction, public necessity, self-defense or the  
4 defense of others, or the law of armed conflict.

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

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

13 “(A) The activity involves—

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

22 “(ii) any effort intended to harass or  
23 coerce, including by force or fear, a person  
24 to forebear from exercising their First  
25 Amendment rights or any other right guar-

1           anted to the person by the Constitution or  
2           laws of the United States, or to retaliate  
3           against a person for having exercised such  
4           a right;

5                   “(iii) an extrajudicial killing; or

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

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

10                   “(C) The activity—

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

13                           “(ii) is committed against—

14                                   “(I) a United States person; or

15                                   “(II) a person in the United  
16           States.

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

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



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

“971. Transnational repression.”.

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

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

10 (2) in section 1961(1), by inserting “section  
11 971 (relating to transnational repression),” before  
12 “section 1028 (relating to fraud and related activity  
13 in connection with identification documents),”; and

14 (3) in section 2516(1)—

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

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

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

19 “(v) any violation of section 951 of title 18  
20 (relating to agents of foreign governments); any  
21 violation of section 971 of title 18  
22 (transnational repression); and any felony viola-  
23 tion of section 8 of the Foreign Agents Reg-  
24 istration Act (22 U.S.C. 618) (relating to reg-  
25 istration of agents of foreign principals).”.

1 **SEC. 5. CENTRALIZATION OF OVERSIGHT OF**  
2 **TRANSNATIONAL REPRESSION PROSECU-**  
3 **TIONS AND INVESTIGATIONS.**

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

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

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

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

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

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

13          (3) Subject to appropriate protections for sen-  
14          sitive information regarding law enforcement inves-  
15          tigations and operations, a description of efforts  
16          during the previous calendar year to disrupt  
17          transnational repression through investigation and  
18          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.

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

21 Not later than 1 year after the date of enactment  
22 of this Act, the U.S. Sentencing Commission shall promul-  
23 gate or amend such sentencing guideline as may be nec-  
24 essary to provide appropriate guideline penalties for the  
25 offense conduct and penalty provisions established in this

1 Act, and amended by this Act, including enhanced pen-  
2 alties for aggravated forms of any offense established in  
3 this Act.