

AMENDMENT TO RULES COMM. PRINT 119-8
OFFERED BY MR. PFLUGER OF TEXAS

Add at the end of subtitle A of title XVII of division
A the following:

1 **SEC. 1703. WORKING GROUP TO COUNTER TRANSNATIONAL**
2 **REPRESSION.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 890E. WORKING GROUP TO COUNTER**
7 **TRANSNATIONAL REPRESSION.**

8 “(a) WORKING GROUP.—

9 “(1) ESTABLISHMENT.—There is established a
10 Working Group, to be known as the ‘Transnational
11 Repression Working Group’ (in this section referred
12 to as the ‘Working Group’), within the Department,
13 which shall be responsible for, in coordination with
14 the Office of Intelligence and Analysis, analyzing
15 and monitoring transnational repression and ter-
16 rorism threats related to transnational repression.

17 “(2) DIRECTOR.—

18 “(A) APPOINTMENT OF DIRECTOR.—The
19 head of the Working Group shall be a Director

1 of the Transnational Repression Working
2 Group, who shall be appointed by the Director
3 of Homeland Security Investigations.

4 “(B) REPORTING.—The Director of the
5 Transnational Repression Working Group shall
6 report to the Secretary and the Director of
7 Homeland Security Investigations regarding all
8 administrative, operational, and security mat-
9 ters of the Working Group.

10 “(3) STAFFING.—The Director of Homeland
11 Security Investigations shall ensure the Working
12 Group—

13 “(A) has a sufficient number of employees
14 to perform required duties; and

15 “(B) has at least one employee dedicated
16 to ensuring compliance with privacy laws and
17 regulations.

18 “(4) DETAILEES AUTHORIZED.—The Working
19 Group may accept and employ detailees with exper-
20 tise in countering transnational repression and ter-
21 rorism threats related to transnational repression or
22 related fields from any element of the intelligence
23 community, or any other Federal agency the Direc-
24 tor of the Transnational Repression Working Group
25 determines appropriate, with or without reimburse-

1 ment, consistent with applicable laws and regula-
2 tions regarding such employees.

3 “(5) INFORMATION SHARING.—The Working
4 Group, in coordination with the Office of Intelligence
5 and Analysis, shall review information relating to
6 transnational repression and terrorism threats re-
7 lated to transnational repression that is gathered by
8 Federal, State, local, Tribal, and territorial partners,
9 and the National Network of Fusion Centers, and
10 incorporate such information, as appropriate, into
11 the Working Group’s own information relating to
12 transnational repression and terrorism threats re-
13 lated to transnational repression. The Working
14 Group shall ensure the dissemination to Federal,
15 State, local, Tribal, and territorial partners, and the
16 National Network of Fusion Centers, of information
17 related to transnational repression and terrorism
18 threats related to transnational repression.

19 “(6) HOMELAND SECURITY ASSESSMENT ON
20 TRANSNATIONAL REPRESSION.—

21 “(A) ANNUAL ASSESSMENTS.—Not later
22 than 180 days after the date of the enactment
23 of this section and annually thereafter for seven
24 years, the Director of Homeland Security Inves-
25 tigations, acting through the Director of the

1 Transnational Repression Working Group, in
2 coordination with the Office of Intelligence and
3 Analysis and the Office of the Director of Na-
4 tional Intelligence and the Federal Bureau of
5 Investigation, as appropriate, shall submit to
6 the Committee on Homeland Security of the
7 House of Representatives and the Committee
8 on Homeland Security and Governmental Af-
9 fairs of the Senate a report that assesses inci-
10 dents of transnational repression and terrorism
11 threats related to transnational repression dur-
12 ing the immediately preceding 12 months.

13 “(B) CONTENTS.—Each assessment sub-
14 mitted under subparagraph (A) shall also in-
15 clude the following:

16 “(i) An analysis of attempted inci-
17 dents of transnational repression and ter-
18 rorism threats related to transnational re-
19 pression.

20 “(ii) A quantitative analysis of
21 transnational repression and terrorism
22 threats related to transnational repression,
23 including the number of individuals re-
24 sponsible for or associated with such
25 transnational repression or terrorism

1 threats related to transnational repression,
2 and an identification of the country of citi-
3 zenship or nationality of each such indi-
4 vidual, and the roles of the foreign govern-
5 ments of such countries in enabling, pre-
6 venting, mitigating, and responding to
7 transnational repression and terrorism
8 threats related to transnational repression.

9 “(iii) Subject to appropriate protec-
10 tions for sensitive information regarding
11 law enforcement investigations and oper-
12 ations, a description of efforts by the Fed-
13 eral Government to disrupt through inves-
14 tigation transnational repression and ter-
15 rorism threats related to transnational re-
16 pression.

17 “(iv) Any other matters the Director
18 of Homeland Security Investigations deter-
19 mines relevant.

20 “(C) FORM.—Each assessment under sub-
21 paragraph (A) shall be submitted in unclassi-
22 fied form, but may include a classified annex
23 only for the protection of intelligence sources
24 and methods relating to the matters contained
25 in such assessment. The Director of Homeland

1 Security Investigations shall post on a publicly
2 available website of the Department the unclas-
3 sified portion of each such assessment.

4 “(7) SUNSET.—The Working Group shall ter-
5 minate on the date that is seven years after the date
6 of the enactment of this section.

7 “(b) RESEARCH.—Not later than one year after the
8 date of the enactment of this section, the Secretary, in
9 coordination with the Under Secretary for Science and
10 Technology of the Department, the Director of the
11 Transnational Repression Office, and the Director of
12 Homeland Security Investigations, shall, to the extent
13 practicable, carry out research and development, including
14 operational testing, of technologies and techniques for en-
15 hancing the Department’s support to Federal, State, local,
16 Tribal, and territorial officials relating to countering
17 transnational repression and terrorism threats related to
18 transnational repression.

19 “(c) IMPLEMENTATION.—All activities carried out
20 pursuant to this section—

21 “(1) shall be carried out in accordance with ap-
22 plicable constitutional, privacy, civil rights, and civil
23 liberties protections; and

24 “(2) may not infringe upon the lawful exercise
25 of free speech by United States persons.

1 “(d) DEFINITIONS.—In this section:

2 “(1) AGENT OF A FOREIGN GOVERNMENT.—

3 The term ‘agent of a foreign government’ means an
4 individual or entity that operates subject to the di-
5 rection and control of—

6 “(A) a foreign government; or

7 “(B) an official or entity of such foreign
8 government.

9 “(2) FOREIGN GOVERNMENT.—The term ‘for-
10 eign government’ means the government of a foreign
11 country.

12 “(3) FUSION CENTER.—The term ‘fusion cen-
13 ter’ has the meaning given such term in subsection
14 (j) of section 210A.

15 “(4) INTELLIGENCE COMMUNITY.—The term
16 ‘intelligence community’ has the meaning given such
17 term in section 3(4) of the National Security Act of
18 1947 (50 U.S.C. 3003(4)).

19 “(5) NATIONAL NETWORK OF FUSION CEN-
20 TERS.—The term ‘National Network of Fusion Cen-
21 ters’ means a decentralized arrangement of fusion
22 centers intended to enhance individual State and
23 urban area fusion centers’ ability to leverage the ca-
24 pabilities and expertise of all such fusion centers for

1 the purpose of enhancing analysis and homeland se-
2 curity information sharing nationally.

3 “(6) TRANSNATIONAL REPRESSION.—The term
4 ‘transnational repression’ means an action of a for-
5 eign government or an agent of a foreign govern-
6 ment that satisfies each of the following:

7 “(A) The action involves—

8 “(i) any effort intended to coerce, har-
9 ass, or digitally or physically threaten, in-
10 cluding by force or reasonable fear of
11 death or serious bodily injury or imprison-
12 ment of a person or an immediate family
13 member of a person, a person to take an
14 action in the interest of such a foreign gov-
15 ernment;

16 “(ii) any effort intended to harass or
17 coerce, including by force or fear, a person
18 to forebear from exercising the First
19 Amendment rights of such person or any
20 other right guaranteed to such person by
21 the Constitution or laws of the United
22 States, or to retaliate against a person for
23 having exercised such a right;

24 “(iii) an extrajudicial killing; or

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

3 “(B) The action is engaged in for or in the
4 interests of such a foreign government.

5 “(C) The action—

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

8 “(ii) is committed against a United
9 States person.

10 “(7) UNITED STATES PERSON.—The term
11 ‘United States person’ has the meaning given such
12 term in section 1637(d)(10) of the Carl Levin and
13 Howard P. ‘Buck’ McKeon National Defense Au-
14 thorization Act for Fiscal year 2015 (50 U.S.C.
15 1708(d)(10)).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 890D the following new item:

 “Sec. 890E. Working group to counter transnational repression.”.

