

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. SCHIFF OF CALIFORNIA

Add at the end of title XVII the following:

1 **Subtitle D—Transnational**
2 **Repression**

3 **SEC. 1761. CRIMINALIZING TRANSNATIONAL REPRESSION.**

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

6 **“§ 971. Transnational repression**

7 “(a) IN GENERAL.—Whoever knowingly commits an
8 act of transnational repression shall be fined under this
9 title and imprisoned not more than 10 years, or both, and
10 if death or serious bodily injury results from the act, or
11 if such act includes the use, attempted use, or threatened
12 use of a dangerous weapon, kidnapping or an attempt to
13 kidnap, or aggravated sexual abuse, or an attempt to com-
14 mit aggravated sexual abuse, shall be fined under this
15 title, or imprisoned for any term of years or for life, or
16 both.

17 “(b) ATTEMPT OR CONSPIRACY.—Whoever attempts
18 or conspires to commit an offense under this section shall
19 be subject to the same penalties as those prescribed for

1 the offense, the commission of which was the object of the
2 attempt or conspiracy.

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

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

14 “(e) DEFINITIONS.—In this section:

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

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

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

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

9 “(A) The activity involves—

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

18 “(ii) any effort intended to coerce or
19 harass, including by force or fear, a person
20 to forebear from exercising their First
21 Amendment rights, or to retaliate against
22 a person for having exercised such a right;

23 “(iii) an extrajudicial killing; or

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

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

3 “(C) The activity—

4 “(i) occurs, in whole or in part, in the
5 United States; or

6 “(ii) is committed against—

7 “(I) a United States person; or

8 “(II) a person in the United
9 States.

10 “(5) 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 “(6) DANGEROUS WEAPON.—The term ‘dan-
17 gerous weapon’ has the meaning given the term in
18 section 930(g)(2).”.

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

 “971. Transnational repression.”.

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

24 (1) in section 1956(c)(7)(D), by inserting “sec-
25 tion 971 (relating to transnational repression),” be-

1 fore “section 1005 (relating to fraudulent bank en-
2 tries),”;

3 (2) in section 1961(1), by inserting “section
4 971 (relating to transnational repression),” before
5 “section 1028 (relating to fraud and related activity
6 in connection with identification documents),”; and

7 (3) in section 2516(1)—

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

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

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

12 “(v) any violation of section 951 of title 18 (relating
13 to agents of foreign governments); any violation of section
14 971 of title 18 (transnational repression); and any felony
15 violation of section 8 of the Foreign Agents Registration
16 Act (22 U.S.C. 618) (relating to registration of agents of
17 foreign principals).”.

18 **SEC. 1762. CENTRALIZATION OF OVERSIGHT OF**
19 **TRANSNATIONAL REPRESSION PROSECU-**
20 **TIONS AND INVESTIGATIONS.**

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

1 (b) INVESTIGATIONS.—The Attorney General, acting
2 through the Director of the Federal Bureau of Investiga-
3 tion, shall centralize oversight of transnational repression
4 investigations in the Federal Bureau of Investigation, or
5 any successor organization.

6 **SEC. 1763. REPORTING ON TRANSNATIONAL REPRESSION.**

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

20 (1) An overview of transnational repression in
21 the United States or against United States persons
22 outside of the United States, including the govern-
23 ments that perpetrate transnational repression and
24 the tactics that they use.

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

8 (3) Subject to appropriate protections for sen-
9 sitive information regarding law enforcement inves-
10 tigations and operations, a description of efforts
11 during the previous calendar year to disrupt
12 transnational repression through investigation and
13 criminal prosecution.

14 (4) A description of efforts during the previous
15 calendar year by any agency of the United States
16 Government to disrupt transnational repression
17 through means other than investigation and criminal
18 prosecution, including through diplomatic means.

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

22 **SEC. 1764. DEFINITIONS.**

23 In this subtitle:

24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on the Judiciary, the
2 Committee on Foreign Affairs, and the Perma-
3 nent Select Committee on Intelligence of the
4 House of Representatives; and

5 (B) the Committee on the Judiciary, the
6 Committee on Foreign Relations, and the Select
7 Committee on Intelligence of the Senate.

8 (2) The term “transnational repression” has
9 the meaning given the term in section 971 of title
10 18, United States Code, as added by section 1761.

11 **SEC. 1765. THE U.S. SENTENCING COMMISSION.**

12 Not later than 1 year after the date of enactment
13 of this Act, the U.S. Sentencing Commission shall promul-
14 gate or amend such sentencing guideline as may be nec-
15 essary to provide appropriate guideline penalties for the
16 offense conduct and penalty provisions established in this
17 subtitle, and amended by this subtitle, including enhanced
18 penalties for aggravated forms of any offense established
19 in this subtitle.

