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1ST SESSION

S. 831

To address transnational repression by foreign governments against private individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. MERKLEY (for himself, Mr. RUBIO, Mr. CARDIN, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To address transnational repression by foreign governments against private individuals, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Transnational Repression Policy Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Statement of policy.
- Sec. 4. Amendments to annual country reports on human rights practices.
- Sec. 5. Interagency strategy to address transnational repression in United States and abroad.

Sec. 6. Training.

Sec. 7. Intelligence gathering.

Sec. 8. Department of Homeland Security and Department of Justice initiatives to combat transnational repression in the United States.

Sec. 9. Imposition of sanctions relating to transnational repression.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Transnational repression against individuals
4 who live outside their countries of origin, prominent
5 or vocal anti-regime figures, and persons who pro-
6 vide aid and support to dissidents—

7 (A) is a human rights violation that seeks
8 to stifle dissent and enhance control over exile,
9 activist, emigrant, and diaspora communities;
10 and

11 (B) can take the form of—

12 (i) extrajudicial killings;

13 (ii) physical assaults and intimidation;

14 (iii) unlawful detentions;

15 (iv) unlawful renditions;

16 (v) unlawful deportations;

17 (vi) unexplained or enforced dis-
18 appearances;

19 (vii) physical or online surveillance or
20 stalking;

21 (viii) unwarranted passport cancella-
22 tion or control over other identification
23 documents;

- 1 (ix) INTERPOL abuse;
- 2 (x) intimidation by diplomatic per-
- 3 sonnel, government officials, or proxies;
- 4 (xi) unlawful asset freezes;
- 5 (xii) digital threats, such as
- 6 cyberattacks, targeted surveillance and
- 7 spyware, online harassment, and intima-
- 8 tion;
- 9 (xiii) coercion by proxy, such as har-
- 10 assment of, or threats or harm to, family
- 11 and associates of such private individuals
- 12 who remain in the country of origin; and
- 13 (xiv) slander and libel to discredit in-
- 14 dividuals.
- 15 (2) Governments perpetrating transnational re-
- 16 pression often pressure host countries, especially—
- 17 (A) through threats to condition foreign
- 18 assistance or other pressure campaigns on law-
- 19 makers in host countries, such as threats—
- 20 (i) to withdraw foreign students from
- 21 their universities; and
- 22 (ii) to induce them to enact policies
- 23 that repress emigrant and diaspora com-
- 24 munities; and

1 (B) by offering financial and material as-
2 sistance to host countries to harass and intimi-
3 date emigrant and diaspora communities.

4 (3) Transnational repression is a threat to indi-
5 viduals, democratic institutions, the exercise of
6 rights and freedoms, and national security and sov-
7 ereignty.

8 (4) Authoritarian governments increasingly rely
9 on transnational repression as their consolidation of
10 control at home pushes dissidents abroad.

11 (5) The spread of digital technologies provides
12 new tools for censoring, surveilling, and targeting in-
13 dividuals deemed to be threats across international
14 borders, especially dissidents pushed abroad who
15 themselves rely on communications technology to
16 amplify their messages, which can often lead to
17 physical attacks and coercion by proxy.

18 (6) Many acts of transnational repression are
19 undertaken through cooperation of, or cooperation
20 with, authorities in the host country, most notably
21 by taking advantage of other States' concerns about
22 terrorism to accuse the targeted individual of ter-
23 rorism or extremism.

24 (7) Authoritarian actors routinely attempt to
25 deter and silence the voices of dissident and exile

1 communities at international fora, as documented by
2 the United Nations Assistant Secretary-General for
3 Human Rights in the Secretary-General's annual re-
4 port on reprisals to the United Nations Human
5 Rights Council.

6 (8) The principle of non-refoulement, which is
7 explicitly included in the Convention against Torture
8 and Other Cruel, Inhuman or Degrading Treatment
9 or Punishment, done at New York December 10,
10 1984—

11 (A) forms an essential protection under
12 international law; and

13 (B) prohibits countries from expelling or
14 returning an individual to another country
15 where the individual's life or freedom would be
16 threatened on account of the individual's race,
17 religion, nationality, membership in a particular
18 social group, or political opinion, or due to sub-
19 stantial grounds for believing that the indi-
20 vidual would be at risk of torture.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States—

23 (1) to protect persons in the United States and
24 United States persons outside of the United States
25 from undue foreign harassment, intimidation, coer-

1 cion, and surveillance in accordance with section 6
2 of the Arms Export Control Act (22 U.S.C. 2756);

3 (2) to pursue criminal prosecutions, as appro-
4 priate, and carry out other steps, such as facilitating
5 mutual legal assistance and other forms of inter-
6 national cooperation with like-minded partners, in
7 accordance with United States law, to hold foreign
8 governments and individuals accountable when they
9 stalk, publish false narratives online with the intent
10 to unlawfully intimidate, harass, coerce, or assault
11 people in the United States or United States persons
12 outside of the United States or collect information
13 while acting as a foreign agent in the United States
14 without notifying United States authorities; and

15 (3) to prohibit the arrest or seizure of assets of
16 any individual based solely on an INTERPOL Red
17 Notice or Diffusion issued by another INTERPOL
18 member country for such individual because such no-
19 tices do not meet the requirements of the Fourth
20 Amendment to the Constitution of the United
21 States.

1 **SEC. 4. AMENDMENTS TO ANNUAL COUNTRY REPORTS ON**
2 **HUMAN RIGHTS PRACTICES.**

3 Section 116 of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2151n) is amended by adding at the end the
5 following:

6 “(h) **USE OF TRANSNATIONAL REPRESSION.**—The
7 country reports required under subsection (d) shall, as ap-
8 plicable—

9 “(1) describe incidents in which a government
10 has harassed, intimidated, or killed individuals out-
11 side of their internationally recognized borders and
12 document patterns of such repression among repeat
13 offenders;

14 “(2) identify the countries in which such repres-
15 sion occurs and the roles of the host government in
16 enabling, preventing, mitigating, and responding to
17 such acts;

18 “(3) describe the tactics used by the countries
19 identified pursuant to paragraph (2), including the
20 actions identified in section 2(1) and any new tech-
21 niques observed; and

22 “(4) in the case of digital surveillance and har-
23 assment, specify the type of technology or platform,
24 including social media, smart city technology, health
25 tracking systems, general surveillance technology,

1 and data access, transfer, and storage procedures,
2 used by the countries for such actions.”.

3 **SEC. 5. INTERAGENCY STRATEGY TO ADDRESS**
4 **TRANSNATIONAL REPRESSION IN UNITED**
5 **STATES AND ABROAD.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in coordination with the heads of other appropriate Fed-
9 eral departments and agencies, shall submit a report to
10 the Committee on Foreign Relations of the Senate, the
11 Committee on the Judiciary of the Senate, the Committee
12 on Foreign Affairs of the House of Representatives, and
13 the Committee on the Judiciary of the House of Rep-
14 resentatives that contains a United States strategy to pro-
15 mote initiatives that will—

16 (1) enhance international awareness of
17 transnational repression;

18 (2) address transnational repression, including
19 through raising the costs of such activities for pepe-
20 trating governments and protecting targeted individ-
21 uals and groups;

22 (3) conduct regular outreach (whether through
23 government agencies or civil society organizations)
24 with diaspora communities and other people who
25 have been targeted by foreign governments regard-

1 ing the transnational threats they face within the
2 United States and around the world and the re-
3 sources available to them without putting them at
4 further risk; and

5 (4) develop policy and programmatic-related re-
6 sponses based on input from the communities and
7 people referred to in paragraph (3) and regularly
8 seek and consider credible information obtained by
9 nongovernmental organizations working on issues of
10 transnational repression.

11 (b) MATTERS TO BE INCLUDED.—

12 (1) DIPLOMACY.—The strategy required under
13 subsection (a) shall include—

14 (A) a plan developed in consultation with
15 like-minded partner governments, civil society,
16 the business community, and other entities for
17 advancing and promoting—

18 (i) the rule of law and human rights
19 globally with respect to the use of surveil-
20 lance technology and export licensing pol-
21 icy regarding such technology; and

22 (ii) safeguards to prevent the access,
23 use, and storage of personal digital data by
24 governments and technology companies for
25 the purposes of transnational repression;

1 (B) public affairs, public diplomacy, and
2 counter-messaging efforts, including through
3 the use of the voice, vote, and influence of the
4 United States at international bodies—

5 (i) to promote awareness;

6 (ii) to develop a common under-
7 standing; and

8 (iii) to draw critical attention to and
9 oppose acts of transnational repression;

10 (C) a plan for establishing or strength-
11 ening regional and international coalitions—

12 (i) to monitor cases of transnational
13 repression, including reprisals when human
14 rights defenders and other activists face
15 reprisals for engaging at multilateral orga-
16 nizations, such as the United Nations; and

17 (ii) to create or strengthen emergency
18 alert mechanisms for key stakeholders
19 within the international community that
20 can engage in public or private diplomacy
21 to address emergency cases of
22 transnational repression, including cases
23 involving individuals and their family mem-
24 bers who are at serious risk of rendition,

1 disappearance, unlawful deportation,
2 refoulement, or other actions;

3 (D) an analysis of the advantages and dis-
4 advantages of working with partners and allies
5 to push for the establishment of a special
6 rapporteur for transnational repression at the
7 United Nations; and

8 (E) a plan for engaging with diplomats
9 and consular officials who abuse their positions
10 by intimidating, threatening, attacking, or oth-
11 erwise undermining the human rights and fun-
12 damental freedoms of exiles and members of
13 diasporas in the United States.

14 (2) ASSISTANCE PROGRAMMING.—The strategy
15 required under subsection (a) shall include—

16 (A) ways in which the United States Gov-
17 ernment has previously and will continue to
18 provide support to civil society organizations in
19 the United States and in countries in which
20 transnational repression occurs—

21 (i) to improve the documentation, in-
22 vestigation, and research of cases, trends,
23 and tactics of transnational repression, in-
24 cluding—

- 1 (I) any potential for misusing se-
2 curity tools to target individual dis-
3 sidents, activists, or journalists; and
- 4 (II) ramifications of
5 transnational repression in under-
6 mining United States policy or assist-
7 ance efforts to promote internationally
8 recognized human rights and democ-
9 racy overseas; and
- 10 (ii) to promote the transparency of
11 the host country decision-making proc-
12 esses, including instances in which law en-
13 forcement actions against victims of
14 transnational repression occurred because
15 of INTERPOL red notices or extradition
16 treaties; and
- 17 (B) a description of new or existing emer-
18 gency assistance mechanisms, including the
19 Fundamental Freedoms Fund and the Lifeline
20 Embattled CSO Assistance Fund, to aid at-risk
21 groups, communities, and individuals, and vic-
22 tims of transnational repression in the United
23 States and in countries in which transnational
24 repression occurs to address—

1 (i) physical security installation and
2 support;

3 (ii) operational support of organiza-
4 tions providing assistance to at-risk
5 groups, communities, and individuals;

6 (iii) psychosocial and psycho-emo-
7 tional support;

8 (iv) medical assistance, subject to the
9 limitations of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2151 et seq.);

11 (v) digital security installation and
12 support;

13 (vi) support and training beyond basic
14 digital hygiene training, including emer-
15 gency response to cyberattacks and en-
16 hanced capacity to deter surveillance and
17 monitoring by malicious actors;

18 (vii) relocation support;

19 (viii) legal advice and assistance; and

20 (ix) trainings to build on their existing
21 capacities so they can continue their activ-
22 ism.

23 (3) LAW ENFORCEMENT IN THE UNITED
24 STATES.—The strategy required under subsection

25 (a) shall include—

1 (A) the consideration of updates to United
2 States law to directly address certain tactics of
3 transnational repression, including—

4 (i) the criminalization of the gathering
5 of information about private individuals in
6 diaspora and exile communities on behalf
7 of a foreign power that is intending to har-
8 ass, intimidate, or harm an individual in
9 order to prevent their exercise of inter-
10 nationally recognized human rights; and

11 (ii) the expansion of the definition of
12 foreign agents under the Foreign Registra-
13 tions Act of 1938 (22 U.S.C. 611 et seq.)
14 and section 951 of title 18, United States
15 Code;

16 (B) ways in which the Federal Bureau of
17 Investigation coordinates with the Department
18 of State, the Department of Homeland Secu-
19 rity, United States intelligence agencies, and
20 domestic law enforcement agencies in partner
21 countries in responding to transnational repres-
22 sion;

23 (C) full consideration of unintended nega-
24 tive impacts of such expanded legal authorities
25 on the civil liberties of communities targeted by

1 transnational repression, taking into account
2 the views of such affected communities;

3 (D) the development of specific outreach
4 strategies to connect law enforcement, other
5 agencies, and local municipal officials with tar-
6 geted diaspora communities to ensure that indi-
7 viduals who are vulnerable to transnational re-
8 pression are aware of the Federal and local re-
9 sources available to them without putting them
10 at further risk; and

11 (E) examining and reviewing the steps
12 taken to address the legality of foreign govern-
13 ments establishing overseas police stations to
14 monitor members of the diaspora.

15 (c) ADDITIONAL MATTERS TO BE INCLUDED.—In
16 addition to the matters set forth in subsection (b), the re-
17 port required under subsection (a) shall include—

18 (1) to the extent practicable, a list of—

19 (A) the governments that perpetrate
20 transnational repression most often and the
21 host countries that such governments are tar-
22 geting most often;

23 (B) the host governments that cooperate
24 most often with the governments on

1 transnational repression actions referred to in
2 subparagraph (A);

3 (C) any individuals, whether United States
4 citizens or foreign nationals, who are complicit
5 in transnational repression as agents of a for-
6 eign government referred to in subparagraph
7 (A) who are operating in the United States;

8 (D) refugees, asylum seekers, and popu-
9 lations that are most vulnerable to
10 transnational repression in the United States
11 and, to the extent possible, in foreign countries;

12 (E) entities that are exporting dual-use
13 spyware technology to any of the governments
14 referred to in subparagraph (A);

15 (F) entities that are buying and selling
16 personally identifiable information that can be
17 used to track and surveil potential victims; and

18 (G) entities that are exporting items on the
19 Commerce Control List (as set forth in Supple-
20 ment No. 1 to part 774 of the Export Adminis-
21 tration Regulations under subchapter C of
22 chapter VII of title 15, Code of Federal Regula-
23 tions) to any governments referred to in sub-
24 paragraph (a) that can be misused for human
25 rights abuses;

1 (2) an assessment of how data that is pur-
2 chased by governments most often perpetrating
3 transnational repression is utilized; and

4 (3) a description of any actions taken by the
5 United States Government to address transnational
6 repression under existing law, including—

7 (A) section 212(a)(3)(C) of the Immigra-
8 tion and Nationality Act (8 U.S.C.
9 1182(a)(3)(C));

10 (B) section 1263 of the Global Magnitsky
11 Human Rights Accountability Act (22 U.S.C.
12 2656 note);

13 (C) the interim final rule issued by the Bu-
14 reau of Industry and Security of the Depart-
15 ment of Commerce relating to “Information Se-
16 curity Controls: Cybersecurity Items” (86 Fed.
17 Reg. 58205; October 21, 2021; 87 Fed. Reg.
18 1670, effective March 7, 2022);

19 (D) section 7031(c) of the Department of
20 State, Foreign Operations, and Related Pro-
21 grams Appropriations Act, 2020 (division G of
22 Public Law 116–94; 8 U.S.C. 1182 note);

23 (E) prosecutions and the statutory author-
24 ity authorizing such prosecutions;

1 (F) establishing specific bureaucratic
2 structures focused on transnational repression;

3 (G) which agencies are conducting out-
4 reach to victims of transnational repression and
5 the form of such outreach;

6 (H) the challenges of intelligence agencies
7 in identifying transnational repression threats
8 and perpetrators; and

9 (I) United States technology companies
10 that knowingly or unknowingly employ, or pro-
11 vide access to information to, foreign intel-
12 ligence officers.

13 (d) FORM.—The report required under subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex, if necessary.

16 (e) UPDATES.—The Secretary of State shall provide
17 the Committee on Foreign Relations of the Senate and
18 the Committee on Foreign Affairs of the House of Rep-
19 resentatives with annual updates of the strategy required
20 under subsection (a).

21 **SEC. 6. TRAINING.**

22 (a) DEPARTMENT OF STATE PERSONNEL.—

23 (1) IN GENERAL.—In order to provide United
24 States diplomats and personnel stationed around the
25 world with the level of understanding to recognize

1 and combat transnational repression, the Secretary
2 of State, in consultation with civil society and the
3 business community, shall provide training to such
4 members of the Foreign Service, including chiefs of
5 mission, regarding transnational repression, includ-
6 ing training on—

7 (A) how to identify different tactics of
8 transnational repression in physical and non-
9 physical forms;

10 (B) which governments are known to em-
11 ploy transnational repression most frequently;

12 (C) which governments are most likely to
13 cooperate with governments on transnational
14 repression-related actions referred to in sub-
15 paragraph (B); and

16 (D) tools of digital surveillance and other
17 cyber tools used to carry out transnational re-
18 pression activities.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated \$1,000,000
21 for each of the fiscal years 2024 through 2027, to
22 develop and implement the curriculum described in
23 paragraph (1).

24 (b) UNITED STATES OFFICIALS RESPONSIBLE FOR
25 DOMESTIC THREATS OF TRANSNATIONAL REPRESSION.—

1 (1) IN GENERAL.—In order to achieve an ade-
2 quate level of understanding to recognize and com-
3 bat transnational repression, the Attorney General,
4 in consultation with the Secretary of Homeland Se-
5 curity, the Director of National Intelligence, civil so-
6 ciety, and the business community, shall provide the
7 training recipients referred to in paragraph (2) with
8 training regarding transnational repression, includ-
9 ing training on—

10 (A) how to identify different tactics of
11 transnational repression in physical and non-
12 physical forms;

13 (B) which governments are known to em-
14 ploy transnational repression most frequently;

15 (C) which communities and locations in the
16 United States are most vulnerable to
17 transnational repression;

18 (D) tools of digital surveillance and other
19 cyber tools used to carry out transnational re-
20 pression activities;

21 (E) espionage and foreign agent laws; and

22 (F) how foreign governments may try to
23 coopt the immigration system.

24 (2) TRAINING RECIPIENTS.—The training re-
25 cipients referred to in this paragraph include, to the

1 extent deemed appropriate and necessary by their
2 respective agency heads in the case of any Federal
3 employee—

4 (A) employees of—

5 (i) the Department of Homeland Se-
6 curity, including U.S. Customs and Border
7 Protection, U.S. Citizenship and Immigra-
8 tion Services, and U.S. Immigration and
9 Customs Enforcement;

10 (ii) the Department of Justice, includ-
11 ing the Federal Bureau of Investigation;
12 and

13 (iii) the Office of Refugee Resettle-
14 ment of the Department of Health and
15 Human Services;

16 (B) other Federal, State, and local law en-
17 forcement and municipal officials receiving in-
18 struction at the Federal Law Enforcement
19 Training Center; and

20 (C) appropriate private sector and commu-
21 nity partners of the Federal Bureau of Inves-
22 tigation.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated \$1,000,000
25 for each of the fiscal years 2024 through 2027, to

1 develop and provide the curriculum and training de-
2 scribed in paragraph (1).

3 **SEC. 7. INTELLIGENCE GATHERING.**

4 The intelligence community (as defined in section 3
5 of the National Security Act of 1947 (50 U.S.C. 3003)
6 shall devote significant resources—

7 (1) to prioritize, to the extent feasible, the iden-
8 tification of individuals, networks, and tools that are
9 used for perpetrating transnational repression
10 against communities in the United States on behalf
11 of foreign governments;

12 (2) to share relevant and appropriate informa-
13 tion with like-minded partners; and

14 (3) to effectively coordinate such efforts with
15 the Federal Bureau of Investigation, the Depart-
16 ment of Homeland Security, the Office of the Direc-
17 tor of National Intelligence, and the Department of
18 State.

19 **SEC. 8. DEPARTMENT OF HOMELAND SECURITY AND DE-**
20 **PARTMENT OF JUSTICE INITIATIVES TO COM-**
21 **BAT TRANSNATIONAL REPRESSION IN THE**
22 **UNITED STATES.**

23 (a) IN GENERAL.—The Secretary of Homeland Secu-
24 rity and the Attorney General, in consultation with the
25 Director of the Federal Bureau of Investigation, shall—

1 (1) dedicate resources to ensure that a tip line
2 for victims and witnesses of transnational repres-
3 sion—

4 (A) is staffed by people who are—

5 (i) equipped with cultural and lin-
6 guistic ability to communicate effectively
7 with diaspora and exile communities; and

8 (ii) knowledgeable of the tactics of
9 transnational repression;

10 (B) is encrypted and, to the maximum ex-
11 tent practicable, protects the confidentiality of
12 the identifying information of individuals who
13 may call the tip line;

14 (2) not later than 270 days after the date of
15 the enactment of this Act—

16 (A) identify existing Federal resources to
17 assist and protect individuals and communities
18 targeted by transnational repression in the
19 United States; and

20 (B) in cooperation with the Secretary of
21 Health and Human Services and the heads of
22 other Federal agencies, publish such resources
23 in a toolkit or guide;

24 (3) continue to conduct proactive outreach so
25 that individuals in targeted communities—

1 (A) are aware of the tip line described in
2 paragraph (1); and

3 (B) are informed about the types of inci-
4 dents that should be reported to the Federal
5 Bureau of Investigation;

6 (4) support data collection and analysis under-
7 taken by Federal research and development centers
8 regarding the needs of targeted communities in the
9 United States, with the goal of identifying priority
10 needs and developing solutions and assistance mech-
11 anisms, while recognizing that such mechanisms may
12 differ depending on geographic location of targeted
13 communities, language, and other factors;

14 (5) continue to issue advisories to, and engage
15 regularly with, communities that are at particular
16 risk of transnational repression, including specific
17 diaspora communities—

18 (A) to explain what transnational repres-
19 sion is and clarify the threshold at which inci-
20 dents of transnational repression constitute a
21 crime; and

22 (B) to identify the resources available to
23 individuals in targeted communities to facilitate
24 their reporting of, and to protect them from,

1 transnational repression, without placing such
2 individuals at additional risk; and

3 (6) conduct annual trainings with caseworker
4 staff in congressional offices regarding the tactics of
5 transnational repression and the resources available
6 to their constituents.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$1,000,000 for each of the
9 fiscal years 2024 through 2027, for the research, develop-
10 ment, outreach, and training activities described in sub-
11 section (a).

12 **SEC. 9. IMPOSITION OF SANCTIONS RELATING TO**
13 **TRANSNATIONAL REPRESSION.**

14 (a) DEFINITIONS.—In this section:

15 (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY
16 ADMITTED FOR PERMANENT RESIDENCE.—The
17 terms “admission”, “admitted”, “alien”, and “law-
18 fully admitted for permanent residence” have the
19 meanings given such terms in section 101 of the Im-
20 migration and Nationality Act (8 U.S.C. 1101).

21 (2) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Relations of
25 the Senate;

1 (B) the Committee on Banking, Housing,
2 and Urban Affairs of the Senate;

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives; and

5 (D) the Committee on Financial Services
6 of the House of Representatives.

7 (3) FOREIGN PERSON.—The term “foreign per-
8 son” means an individual or entity that is not a
9 United States person.

10 (4) TRANSNATIONAL REPRESSION.—The term
11 “transnational repression” means actions of a for-
12 eign government, or agents of a foreign government,
13 involving the transgression of national borders
14 through physical, digital, or analog means to intimi-
15 date, silence, coerce, harass, or harm members of di-
16 aspora and exile communities in order to prevent
17 their exercise of internationally recognized human
18 rights.

19 (5) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) a United States citizen or an alien law-
22 fully admitted for permanent residence to the
23 United States;

24 (B) an entity organized under the laws of
25 the United States or the laws of any jurisdic-

1 tion within the United States, including a for-
2 foreign branch of such an entity; and

3 (C) any person who is physically present in
4 the United States.

5 (b) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, and not
8 less frequently than annually thereafter, the Sec-
9 retary of State shall submit a report to the appro-
10 priate congressional committees that, except as pro-
11 vided in paragraph (2), identifies each foreign per-
12 son that the President determines has, on or after
13 the date of the enactment of this Act, whether know-
14 ingly or unknowingly, directly engaged in
15 transnational repression.

16 (2) EXCEPTION.—The report required under
17 paragraph (1) shall not identify individuals if such
18 identification would interfere with law enforcement
19 efforts.

20 (3) EXPLANATION.—If a foreign person identi-
21 fied in the report required under paragraph (1) is
22 not subject to sanctions under section (c), the report
23 shall explain, to the extent practicable, the reasons
24 such sanctions were not imposed on such person.

1 (4) FORM.—The report required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (c) IMPOSITION OF SANCTIONS.—Except as provided
5 in subsection (b)(3), the President shall impose 1 or more
6 of the sanctions described in subsection (d) with respect
7 to each foreign person identified in the report required
8 under subsection (b)(1).

9 (d) SANCTIONS DESCRIBED.—The sanctions de-
10 scribed in this subsection are the following:

11 (1) PROPERTY BLOCKING.—The President shall
12 exercise all of the powers granted to the President
13 under section 203 through 207 of the International
14 Emergency Economic Powers Act (50 U.S.C. 1702
15 et seq.) to the extent necessary to block and prohibit
16 all transactions in property and interests in property
17 of a foreign person identified in the report required
18 under subsection (b)(1) if such property and inter-
19 ests in property are in the United States, come with-
20 in the United States, or are or come within the pos-
21 session or control of a United States person.

22 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
23 PAROLE.—

24 (A) VISAS, ADMISSION, OR PAROLE.—An
25 alien described in subsection (b)(1) is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—An alien described

12 in subsection (b)(1) is subject to revocation

13 of any visa or other entry documentation

14 of the alien, regardless of when the visa or

15 other entry documentation is or was

16 issued.

17 (ii) IMMEDIATE EFFECT.—A revoca-

18 tion under clause (i) shall, in accordance

19 with section 221(i) of the Immigration and

20 Nationality Act, 8 U.S.C. 1201(i)—

21 (I) take effect immediately; and

22 (II) automatically cancel any

23 other valid visa or entry documenta-

24 tion that is in the alien's possession.

25 (e) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided under sections 203
3 and 205 of the International Emergency Economic
4 Powers Act (50 U.S.C. 1702 and 1704) to carry out
5 this section.

6 (2) PENALTIES.—A person that violates, at-
7 tempts to violate, conspires to violate, or causes a
8 violation of this section or any regulation, license, or
9 order issued to carry out this section shall be subject
10 to the penalties set forth in subsections (b) and (c)
11 of section 206 of the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1705) to the same ex-
13 tent as a person that commits an unlawful act de-
14 scribed in subsection (a) of such section.

15 (f) SANCTIONS.—The President is authorized to im-
16 pose sanctions as provided under the Global Magnitsky
17 Human Rights Accountability Act (22 U.S.C. 10101 et
18 seq.) against any foreign person who the President, based
19 on credible evidence, determines is responsible for the ren-
20 dition of journalists, activists, or other individuals to a
21 country in which the person would be at risk of irreparable
22 harm upon return, including extrajudicial killings, torture,
23 or other gross violations of internationally recognized
24 human rights.

25 (g) WAIVER.—

1 (1) IN GENERAL.—The President may waive
2 the application of sanctions authorized under this
3 section with respect to a foreign person if the Presi-
4 dent determines and certifies to the appropriate con-
5 gressional committees that such a waiver is in the
6 national interests of the United States.

7 (2) ANNUAL REPORT.—The President shall pro-
8 vide an annual report to Congress that—

9 (A) lists every waiver granted under para-
10 graph (1); and

11 (B) provides a justification for each such
12 waiver.

13 (h) EXCEPTIONS.—

14 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
15 TIES.—Sanctions under this section shall not apply
16 to any activity subject to the reporting requirements
17 under title V of the National Security Act of 1947
18 (50 U.S.C. 3091 et seq.) or any authorized intel-
19 ligence activities of the United States.

20 (2) EXCEPTION TO COMPLY WITH INTER-
21 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
22 MENT ACTIVITIES.—Sanctions under subsection
23 (d)(2) shall not apply with respect to an alien if ad-
24 mitting or paroling the alien into the United States
25 is necessary—

1 (A) to permit the United States to comply
2 with the Agreement regarding the Head-
3 quarters of the United Nations, signed at Lake
4 Success June 26, 1947, and entered into force
5 November 21, 1947, between the United Na-
6 tions and the United States, or other applicable
7 international obligations; or

8 (B) to carry out or assist law enforcement
9 activity in the United States.

10 (3) EXCEPTION RELATING TO IMPORTATION OF
11 GOODS.—

12 (A) IN GENERAL.—The requirement to im-
13 pose sanctions under this section shall not in-
14 clude the authority or a requirement to impose
15 sanctions on the importation of goods.

16 (B) GOOD DEFINED.—In this paragraph,
17 the term “good” means any article, natural or
18 manmade substance, material, supply, or manu-
19 factured product, including inspection and test
20 equipment, and excluding technical data.

21 (i) SUNSET.—This section, and any sanctions im-
22 posed under this section, shall terminate on the date that
23 is 5 years after the date of the enactment of this Act.

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