

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself and Mr. SULLIVAN) introduced the following bill;
which was read twice and referred to the Committee on

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. Statement of policy.
- Sec. 3. Defined term.
- Sec. 4. Interagency strategy.
- Sec. 5. Training.

Sec. 6. Department of Homeland Security and Department of Justice efforts to combat transnational repression in the United States.

1 **SEC. 2. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to protect persons within the United States,
4 and United States nationals who are outside of the
5 United States, from actions by foreign governments,
6 or individuals acting on behalf of foreign govern-
7 ments, that violate internationally recognized human
8 rights;

9 (2) to encourage cooperation with like-minded
10 foreign partners to mitigate transnational repres-
11 sion; and

12 (3) to pursue criminal prosecutions, as appro-
13 priate, and undertake other steps, such as facili-
14 tating mutual legal assistance, in accordance with
15 United States law, to hold foreign governments and
16 individuals acting on behalf of foreign governments,
17 including unregistered foreign agents, accountable
18 for engaging in transnational repression.

19 **SEC. 3. DEFINED TERM.**

20 In this Act, the term “transnational repression” re-
21 fers to a range of tactics deployed by a foreign govern-
22 ment, or agents or proxies of a foreign government, to
23 reach beyond their borders to intimidate, silence, harass,
24 coerce, or harm individuals, such as political dissidents,

1 activists, journalists, political opponents, religious and eth-
2 nic minority groups, international students, and members
3 of diaspora and exile communities.

4 **SEC. 4. INTERAGENCY STRATEGY.**

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

14 (1) to increase international awareness of
15 transnational repression;

16 (2) to raise the costs borne by governments en-
17 gaging in transnational repression by holding such
18 governments accountable and protecting targeted in-
19 dividuals and groups; and

20 (3) to increase collaboration and coordination
21 concerning transnational repression with like-minded
22 allies and partners and in multilateral venues and
23 international organizations.

24 (b) MATTERS TO BE INCLUDED.—

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

3 (A) a strategy for advancing joint initia-
4 tives in multilateral and international organiza-
5 tions to expand awareness, accountability, and
6 best practices to mitigate and build capacity to
7 counter transnational repression;

8 (B) a plan for establishing or strength-
9 ening regional and international coalitions to
10 monitor and respond to cases of transnational
11 repression, including reprisals faced by human
12 rights defenders and other activists for engag-
13 ing at multilateral organizations, such as the
14 United Nations;

15 (C) an analysis of the advantages and dis-
16 advantages of the designation of a special
17 rapporteur for transnational repression ap-
18 pointed by the Secretary-General of the United
19 Nations;

20 (D) a plan for engaging with foreign diplo-
21 matic or consular missions in the United States
22 whose personnel abuse intimidate, threaten, at-
23 tack, or undermine the human rights and fun-
24 damental freedoms of exiles and members of
25 diasporas in the United States; and

1 (E) a description of the public affairs and
2 public diplomacy efforts, including at multilat-
3 eral institutions and international exchanges, to
4 be used to draw critical attention to, and op-
5 pose acts of, transnational repression.

6 (2) ASSISTANCE PROGRAMMING.—The strategy
7 shall include sufficient funding for civil society and
8 nongovernmental organizations that support victims
9 of transnational repression and conduct research
10 and analysis of global trends and incidents of
11 transnational repression.

12 (3) LAW ENFORCEMENT IN THE UNITED
13 STATES.—The strategy shall—

14 (A) consider updates to United States law
15 to address tactics of transnational repression,
16 including—

17 (i) the criminalization of gathering in-
18 formation about private individuals in dias-
19 pora and exile communities on behalf of, or
20 enabling the ability of, a foreign govern-
21 ment to harass, intimidate, or harm an in-
22 dividual due to membership in such a com-
23 munity; and

24 (ii) the expansion of the definition of
25 foreign agents under the Foreign Registra-

1 tions Act of 1938 (22 U.S.C. 611 et seq.)
2 and section 951 of title 18, United States
3 Code;

4 (B) coordinate between the Federal Bu-
5 reau of Investigation, the Department of State,
6 the Department of Homeland Security, United
7 States intelligence agencies, and domestic law
8 enforcement agencies in partner countries, in-
9 cluding options for countering the use of sur-
10 veillance technology and export licensing policy
11 in transnational repression;

12 (C) consider unintended negative impacts
13 of expanded legal authorities on the civil lib-
14 erties of communities targeted by transnational
15 repression, taking into account the views of af-
16 fected communities;

17 (D) develop outreach strategies to connect
18 law enforcement and local municipal officials
19 with targeted diaspora communities to ensure
20 individuals who are vulnerable to transnational
21 repression are aware of the Federal and local
22 resources available without putting them at fur-
23 ther risk, including policy and programmatic re-
24 sponses based on input from such communities;
25 and

1 (E) examine and review the legality of for-
2 eign governments establishing overseas police
3 service stations, or equivalent facilities, to mon-
4 itor members of the diaspora.

5 (c) ADDITIONAL MATTERS TO BE INCLUDED.—In
6 addition to the matters set forth in subsection (b), the re-
7 port required under subsection (a) should include—

8 (1) to the extent practicable, information re-
9 garding—

10 (A) the governments that perpetrate
11 transnational repression;

12 (B) countries in which incidents of
13 transnational repression are prevalent;

14 (C) governments that are complicit in aid-
15 ing transnational repression;

16 (D) individuals, whether United States citi-
17 zens or foreign nationals, who are complicit in
18 transnational repression as agents or proxies of
19 a foreign government and are operating in the
20 United States, unless identifying those individ-
21 uals could interfere with law enforcement ef-
22 forts; and

23 (E) groups of people that are most vulner-
24 able to transnational repression in the United

1 States and, to the extent possible, in foreign
2 countries; and

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

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

9 (B) section 1263 of the Global Magnitsky
10 Human Rights Accountability Act (22 U.S.C.
11 10102);

12 (C) section 7031(c) of the Department of
13 State, Foreign Operations, and Related Pro-
14 grams Appropriations Act, 2020 (division G of
15 Public Law 116–94; 8 U.S.C. 1182 note);

16 (D) prosecutions and the statutory author-
17 ity authorizing such prosecutions; and

18 (E) which agencies are conducting out-
19 reach to victims of transnational repression and
20 the form of such outreach.

21 (d) FORM.—The strategy required under subsection
22 (a) shall be submitted in unclassified form, but may in-
23 clude a classified annex, if necessary.

24 (e) UPDATES.—The Secretary of State shall provide
25 the congressional committee referred to in subsection (a)

1 with annual updates regarding the implementation of such
2 strategy.

3 **SEC. 5. TRAINING.**

4 (a) DEPARTMENT OF STATE PERSONNEL.—

5 (1) IN GENERAL.—The Secretary of State
6 should make training available to Department of
7 State personnel, including overseas mission leader-
8 ship, as appropriate, and if it pertains to their coun-
9 tries of assignment, with respect to—

10 (A) tactics and practices used by perpetra-
11 tors;

12 (B) governments known to employ
13 transnational repression;

14 (C) governments that cooperate with other
15 governments engaged in transnational repres-
16 sion;

17 (D) tools of digital surveillance and other
18 cyber tools used in transnational repression ac-
19 tivities; and

20 (E) United States policy priorities.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated such
23 amounts as may be necessary for fiscal year 2026 to
24 develop and implement the curriculum described in
25 paragraph (1).

1 (b) UNITED STATES OFFICIALS RESPONSIBLE FOR
2 DOMESTIC THREATS OF TRANSNATIONAL REPRESSION.—

3 (1) IN GENERAL.—To better recognize and pre-
4 vent transnational repression, the Attorney General,
5 in consultation with the Secretary of Homeland Se-
6 curity, the Director of National Intelligence, civil so-
7 ciety, and the business community, shall provide
8 training with respect to—

9 (A) tactics and practices used by perpetra-
10 tors;

11 (B) governments known to employ
12 transnational repression;

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

16 (D) tools of digital surveillance and other
17 cyber tools used in transnational repression ac-
18 tivities; and

19 (E) United States policy priorities.

20 (2) TRAINING RECIPIENTS.—Those receiving
21 the training described in paragraph (1) should be—

22 (A) employees or task force members of—

23 (i) the Department of Homeland Se-
24 curity, including U.S. Customs and Border
25 Protection, U.S. Citizenship and Immigra-

1 tion Services, and U.S. Immigration and
2 Customs Enforcement and any other em-
3 ployees the Secretary of Homeland Secu-
4 rity determines should receive such train-
5 ing;

6 (ii) the Department of Justice, includ-
7 ing the—

8 (I) Federal Bureau of Investiga-
9 tion; and

10 (II) INTERPOL Washington;
11 and

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

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

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

22 (3) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated such
24 amounts as may be necessary for fiscal year 2026 to

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

3 **SEC. 6. DEPARTMENT OF HOMELAND SECURITY AND DE-**
4 **PARTMENT OF JUSTICE EFFORTS TO COM-**
5 **BAT TRANSNATIONAL REPRESSION IN THE**
6 **UNITED STATES.**

7 (a) IN GENERAL.—The Attorney General, in con-
8 sultation with the Secretary of Homeland Security and the
9 Director of the Federal Bureau of Investigation, shall—

10 (1) not later than 270 days after the date of
11 the enactment of this Act, publish a toolkit or guide
12 that describes existing Federal resources to assist
13 and protect individuals and communities targeted by
14 transnational repression in the United States;

15 (2) in cooperation with the heads of other Fed-
16 eral agencies, conduct proactive outreach so that in-
17 dividuals in targeted communities are informed
18 about the types of criminal incidents that should be
19 reported to the Federal Bureau of Investigation;

20 (3) organize annual trainings with caseworker
21 staff in congressional offices regarding the tactics of
22 transnational repression and the resources available
23 to constituents; and

1 (4) produce an assessment of how data that is
2 purchased by governments perpetrating
3 transnational repression is misused by—

4 (A) entities that are exporting dual-use
5 spyware technology to any governments en-
6 gaged in transnational repression;

7 (B) entities that are buying and selling
8 personally identifiable information that can be
9 used to track and surveil potential victims; and

10 (C) entities that are exporting items on the
11 Commerce Control List (as set forth in Supple-
12 ment No. 1 to part 774 of the Export Adminis-
13 tration Regulations under subchapter C of
14 chapter VII of title 15, Code of Federal Regula-
15 tions) to any governments engaged in
16 transnational repression that can be misused
17 for human rights abuses.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated such amounts as may be
20 necessary for fiscal year 2026 for the research, develop-
21 ment, outreach, and training activities described in sub-
22 section (a).