

119TH CONGRESS
2D SESSION

S. _____

To amend chapter 45 of title 18, United States Code, by providing for a sentencing enhancement for transnational repression committed against United States citizens or individuals who are physically present in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend chapter 45 of title 18, United States Code, by providing for a sentencing enhancement for transnational repression committed against United States citizens or individuals who are physically present in the United States, 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 “Stop TNR Act of 2026”.

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

2

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Sentencing enhancement for transnational repression.
- Sec. 5. Centralization of oversight of transnational prosecutions and investigations.
- Sec. 6. United States Sentencing Commission guidelines.
- Sec. 7. Annual reports.
- Sec. 8. Annual briefings.
- Sec. 9. Using artificial intelligence to further investigations of transnational repression.
- Sec. 10. Review and report regarding available responses to transnational repression.
- Sec. 11. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The governments of hostile nations, of na-
4 tions controlled by authoritarian regimes, and even
5 of some nations with which the United States has
6 positive diplomatic relations, have increasingly and
7 aggressively targeted United States persons and for-
8 eign nationals present in the United States to silence
9 individuals who are perceived to oppose, or are crit-
10 ical of, such governments.

11 (2) Officials and agents of such governments,
12 and their proxies, have threatened, intimidated, har-
13 assed, surveilled, stalked, silenced, and even plotted
14 to physically harm, kidnap, or kill persons within the
15 United States, including by engaging in targeted at-
16 tacks against political and human rights activists,
17 journalists, academics, and members of religious and
18 ethnic minority groups.

1 (3) A large number of diaspora communities
2 have experienced a rise of incidents of intimidation,
3 harassment, and, in some cases, violence in the
4 United States at the action, behest, or encourage-
5 ment of the governments of foreign nations.

6 (4) Acts of transnational repression violate na-
7 tional sovereignty, undermine the values that are
8 foundational in relationships within the international
9 community of nations, and violate United States
10 law.

11 (5) Transnational repression is often used to si-
12 lence critics of foreign nations and stifle speech that
13 is protected by the First Amendment to the Con-
14 stitution of the United States, which makes it more
15 difficult for individuals to exercise their fundamental
16 freedoms and human rights.

17 (6) Transnational repression is not limited to
18 physical acts of intimidation and harassment, and
19 has been furthered by the use of online tools and
20 technology to conduct cyberattacks, including com-
21 mercial spyware and online disinformation cam-
22 paigns.

23 (7) Although transnational repression often in-
24 volves actions that are already prohibited under
25 United States law, the involvement of a foreign gov-

1 ernment renders such activities more dangerous than
2 the dangers posed by the underlying acts of intimi-
3 dation or harassment.

4 (8) Transnational repression is not explicitly
5 defined in United States law, which hinders the abil-
6 ity of law enforcement officials and other Federal
7 and State officials to identify and address such con-
8 duct.

9 (9) Codifying a definition for transnational re-
10 repression to establish sentencing enhancements will
11 serve as a heightened deterrent for foreign actors
12 seeking to engage in such conduct.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on the Judiciary of the
19 Senate;

20 (B) the Committee on Foreign Relations of
21 the Senate;

22 (C) the Select Committee on Intelligence of
23 the Senate;

24 (D) the Committee on the Judiciary of the
25 House of Representatives;

1 (E) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (F) the Permanent Select Committee on
4 Intelligence of the House of Representatives.

5 (2) TRANSNATIONAL REPRESSION.—The term
6 “transnational repression” has the meaning given
7 such term in section 968(a) of title 18, United
8 States Code, as added by section 4(a).

9 **SEC. 4. SENTENCING ENHANCEMENT FOR TRANSNATIONAL**
10 **REPRESSION.**

11 (a) IN GENERAL.—Chapter 45 of title 18, United
12 States Code, is amended by inserting after section 967 the
13 following:

14 **“§ 968. Sentencing enhancement for transnational re-**
15 **pression**

16 “(a) DEFINITIONS.—As used in this section:

17 “(1) AGENT OF A FOREIGN POWER.—The term
18 ‘agent of a foreign power’ means an individual who
19 operates subject to the direction or control of a for-
20 eign power.

21 “(2) PROXY.—The term ‘proxy’ means an indi-
22 vidual acting on behalf of an agent of a foreign
23 power, with objective and subjective actual knowl-
24 edge of the foreign power’s involvement in directing
25 or controlling the individual’s actions.

1 “(3) TRANSNATIONAL REPRESSION.—The term
2 ‘transnational repression’ means any activity by a
3 foreign power, or by an agent or proxy of such for-
4 eign power, that—

5 “(A) reaches beyond the internationally
6 recognized territorial jurisdiction of such for-
7 eign power or the country from which such for-
8 eign power primarily operates or receives direc-
9 tion or control;

10 “(B) involves—

11 “(i) any effort intended to harass, co-
12 erce, or threaten a person, including by
13 force or reasonable fear of death or serious
14 bodily injury or imprisonment of a person
15 or an immediate family member of a per-
16 son;

17 “(ii) any effort intended to harass, co-
18 erce, or threaten a person to forebear from
19 exercising rights protected under the First
20 Amendment to the Constitution of the
21 United States or any other right guaran-
22 teed to such person by the Constitution or
23 laws of the United States, or to retaliate
24 against a person for having exercised such
25 a right;

1 “(iii) an extrajudicial killing; or

2 “(iv) any attempt or other act in-
3 tended to further the efforts described in
4 clause (i), (ii), or (iii);

5 “(C) is engaged in for a foreign power or
6 in the interests of a foreign power; and

7 “(D)(i) occurs, in whole or in part, in the
8 United States, including through the use of, or
9 transmission or unauthorized access to, com-
10 puters in the United States; or

11 “(ii) is committed against a United States
12 person.

13 “(4) UNITED STATES PERSON.—The term
14 ‘United States person’ means—

15 “(A) a national of the United States (as
16 defined in section 101(a)(22) of the Immigra-
17 tion and Nationality Act (8 U.S.C.
18 1101(a)(22)));

19 “(B) an alien who has been lawfully admit-
20 ted for permanent residence (as defined in sec-
21 tion 101(a)(20) of such Act (8 U.S.C.
22 1101(a)(20))); or

23 “(C) any person who is physically present
24 in the United States at the time of acts consti-
25 tuting the transnational repression.

1 “(b) SENTENCING ENHANCEMENT FOR
2 TRANSNATIONAL REPRESSION.—The sentence of a person
3 convicted of committing, or attempting or conspiring to
4 commit, an offense under Federal law, in addition to the
5 punishment authorized for such offense, shall be subject
6 to an enhancement of up to 10 years imprisonment and
7 shall include an additional fine of up to \$100,000 if, as
8 part of the course of conduct constituting such offense,
9 the person knowingly committed, or attempted or con-
10 spired to commit, an act of transnational repression.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 45 of title 18, United States Code, is amended
13 by inserting after the item relating to section 967 the fol-
14 lowing:

“968. Sentencing enhancement for transnational repression.”.

15 **SEC. 5. CENTRALIZATION OF OVERSIGHT OF**
16 **TRANSNATIONAL PROSECUTIONS AND INVES-**
17 **TIGATIONS.**

18 (a) NATIONAL SECURITY DIVISION.—The Attorney
19 General shall centralize oversight of prosecutions for of-
20 fenses involving an act of transnational repression in the
21 National Security Division of the Department of Justice,
22 or any successor organization.

23 (b) INVESTIGATIONS.—The Attorney General, acting
24 through the Director of the Federal Bureau of Investiga-
25 tion, shall centralize oversight of investigations of offenses

1 involving an act of transnational repression in the Federal
2 Bureau of Investigation.

3 **SEC. 6. UNITED STATES SENTENCING COMMISSION GUIDE-**
4 **LINES.**

5 As soon as practicable, but not later than 270 days
6 after the date of the enactment of this Act, pursuant to
7 its authority under section 994(p) of title 28, United
8 States Code, the United States Sentencing Commission
9 shall amend the Federal sentencing guidelines to the ex-
10 tent necessary to provide for appropriate sentencing en-
11 hancements under section 968 of title 18, United States
12 Code, as added by section 4(a).

13 **SEC. 7. ANNUAL REPORTS.**

14 (a) IN GENERAL.—Not later than 270 days after the
15 date of the enactment of this Act, and annually thereafter,
16 the Assistant Attorney General for National Security, in
17 consultation with the Director of National Intelligence, the
18 Secretary of State, the Director of the Federal Bureau
19 of Investigation, the Secretary of the Treasury, and the
20 head of any other department or agency the Assistant At-
21 torney General determines appropriate, shall submit a re-
22 port to the appropriate congressional committees that de-
23 scribes incidents of transnational repression against, or
24 otherwise impacting, any United States person.

1 (b) CONTENTS.—Each report submitted pursuant to
2 subsection (a) shall contain, with respect to the most re-
3 cently concluded calendar year—

4 (1) a detailed description of trends related to
5 transnational repression and the methods and tactics
6 used to perpetrate the aims, including the use of ar-
7 tificial intelligence capabilities and commercial
8 spyware; and

9 (2) subject to appropriate protections for sen-
10 sitive information regarding law enforcement and
11 counterintelligence investigations and operations, a
12 description of efforts taken by the United States
13 Government to disrupt transnational repression, in-
14 cluding—

15 (A) diplomatic measures;

16 (B) law enforcement actions, counterintel-
17 ligence actions, and criminal prosecutions;

18 (C) civil and administrative actions, such
19 as targeted sanctions, fines and penalties, and
20 entry ineligibility of foreign persons;

21 (D) protective measures provided to vic-
22 tims; and

23 (E) collaboration of the United States Gov-
24 ernment with other countries that have experi-
25 enced similar cases of transnational repression.

1 (c) FORM.—Each report submitted pursuant to sub-
2 section (a) shall be submitted in unclassified form, which
3 shall be made available to the public on a Department of
4 Justice website, but may include a classified annex, if nec-
5 essary, to provide information that cannot otherwise be
6 conveyed in unclassified form.

7 **SEC. 8. ANNUAL BRIEFINGS.**

8 (a) IN GENERAL.—Not later than 30 days after each
9 report is submitted pursuant to section 7, the Assistant
10 Attorney General for National Security and a representa-
11 tive of any other department or agency that the Assistant
12 Attorney General determines appropriate, shall provide an
13 in-person briefing to the appropriate congressional com-
14 mittees regarding incidents of transnational repression
15 against, or otherwise impacting, a United States person.

16 (b) ITEMS TO BE INCLUDED.—Each briefing re-
17 quired under subsection (a) shall be subject to appropriate
18 protections for sensitive information regarding law en-
19 forcement and counterintelligence investigations and oper-
20 ations, and should include, with respect to the most re-
21 cently concluded calendar year—

22 (1) a detailed description of each instance or re-
23 lated groups of instances of transnational repression
24 that has been reported to, or is otherwise under in-

1 investigation by, the Department of Justice or another
2 relevant Federal agency, including—

3 (A) the nature of the transnational repres-
4 sion;

5 (B) the individuals involved in the under-
6 lying conduct; and

7 (C) the location of each incident of
8 transnational repression associated with each
9 such instance; and

10 (2) a description of the efforts taken by the
11 United States Government in response to each of the
12 instances referred to in paragraph (1).

13 **SEC. 9. USING ARTIFICIAL INTELLIGENCE TO FURTHER IN-**
14 **VESTIGATIONS OF TRANSNATIONAL REPRES-**
15 **SION.**

16 The Assistant Attorney General for National Secu-
17 rity, in consultation with the Director of National Intel-
18 ligence, the Secretary of State, the Director of the Federal
19 Bureau of Investigation, and the head of any other depart-
20 ment or agency the Assistant Attorney General determines
21 appropriate, shall—

22 (1) develop a whole-of-government strategy for
23 preventing, investigating and responding to acts of
24 transnational repression that are perpetrated
25 through the use of artificial intelligence, including—

1 (A) outreach to technology companies that
2 are integrating or creating artificial intelligence
3 capabilities; and

4 (B) engaging in multilateral efforts to ad-
5 dress the use of artificial intelligence in the pro-
6 liferation of transnational repression; and

7 (2) launch an education campaign for the public
8 regarding the trends, methods, and tactics by which
9 artificial intelligence is being used for purposes of
10 foreign influence, disinformation, and other forms of
11 transnational repression.

12 **SEC. 10. REVIEW AND REPORT REGARDING AVAILABLE RE-**
13 **SPONSES TO TRANSNATIONAL REPRESSION.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Assistant Attorney
16 General for National Security, in consultation with the
17 Secretary of State, the Secretary of the Treasury, and the
18 heads of other relevant Federal agencies, shall conduct a
19 review and submit a report to the appropriate congres-
20 sional committees that assesses the use of existing au-
21 thorities and provides recommendations for additional au-
22 thorities that may be used to respond to and deter
23 transnational repression against United States persons,
24 including—

1 (1) sanctions available under the International
2 Emergency Economic Powers Act (50 U.S.C. 1701
3 et seq.), the Immigration and Nationality Act (8
4 U.S.C. 1101 et seq.), or under any other Federal
5 law;

6 (2) visa restrictions available under section
7 7031(c) of the Department of State, Foreign Oper-
8 ations, and Related Programs Appropriations Act,
9 2024 (division F of Public Law 118–47; 8 U.S.C.
10 1182 note), the Immigration and Nationality Act (8
11 U.S.C. 1101 et seq.), or under any other Federal
12 law;

13 (3) restrictions on assistance provided to the
14 government of the relevant countries under the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2151 et
16 seq.) or under any other Federal law; and

17 (4) restrictions on the export of certain goods
18 to the relevant countries under the Arms Export
19 Control Act (22 U.S.C. 2751 et seq.), the Export
20 Control Reform Act of 2018 (50 U.S.C. 4801 et
21 seq.), or any other Federal law.

22 (b) FORM.—The report required under subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex, if necessary, to provide information

1 that cannot otherwise be conveyed in the unclassified
2 form.

3 (c) ANNUAL REVIEW AND REPORT.—The Assistant
4 Attorney General for National Security shall conduct an
5 annual review and submit an annual report containing the
6 information described in subsection (a) to the relevant
7 committees of jurisdiction in the Senate and the House
8 of Representatives.

9 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out this Act and the amend-
12 ments made by this Act.