

117TH CONGRESS
1ST SESSION

H. R. 4806

To counter efforts by foreign governments to pursue, harass, or otherwise persecute individuals for political and other unlawful motives overseas.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. COHEN (for himself, Mr. WILSON of South Carolina, Ms. JACKSON LEE, Mr. FITZPATRICK, Mr. MALINOWSKI, Mr. MELJER, Ms. MOORE of Wisconsin, Mr. HUDSON, Mr. CLEAVER, Mr. GALLEG0, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To counter efforts by foreign governments to pursue, harass, or otherwise persecute individuals for political and other unlawful motives overseas.

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.**

4 This Act may be cited as the “Transnational Repres-
5 sion Accountability and Prevention Act of 2021” or as the
6 “TRAP Act of 2021”.

1 **SEC. 2. TRANSNATIONAL REPRESSION ACCOUNTABILITY**
2 **AND PREVENTION.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The International Criminal Police Organiza-
6 tion (INTERPOL) works to prevent and fight crime
7 through enhanced cooperation and innovation on po-
8 lice and security matters, including kleptocracy,
9 counterterrorism, cybercrime, counternarcotics, and
10 transnational organized crime.

11 (2) United States membership and participation
12 in INTERPOL advances the national security and
13 law enforcement interests of the United States re-
14 lated to combating kleptocracy, terrorism,
15 cybercrime, narcotics, and transnational organized
16 crime.

17 (3) Article 2 of INTERPOL’s Constitution
18 states that the organization aims “[to] ensure and
19 promote the widest possible mutual assistance be-
20 tween all criminal police authorities . . . in the spir-
21 it of the ‘Universal Declaration of Human Rights’”.

22 (4) Article 3 of INTERPOL’s Constitution
23 states that “[i]t is strictly forbidden for the Organi-
24 zation to undertake any intervention or activities of
25 a political, military, religious or racial character”.

1 (5) These principles provide INTERPOL with a
2 foundation based on respect for human rights and
3 avoidance of politically motivated actions by the or-
4 ganization and its members.

5 (6) According to the Justice Manual of the
6 United States Department of Justice, “[i]n the
7 United States, national law prohibits the arrest of
8 the subject of a Red Notice issued by another
9 INTERPOL member country, based upon the notice
10 alone”.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that some INTERPOL member countries have re-
13 peatedly misused INTERPOL’s databases and processes,
14 including Notice and Diffusion mechanisms, for activities
15 of an overtly political or other unlawful character and in
16 violation of international human rights standards, includ-
17 ing making requests to harass or persecute political oppo-
18 nents, human rights defenders, or journalists.

19 (c) SUPPORT FOR INTERPOL INSTITUTIONAL RE-
20 FORMS.—The Attorney General and the Secretary of State
21 shall—

22 (1) use the voice, vote, and influence of the
23 United States, as appropriate, within INTERPOL’s
24 General Assembly and Executive Committee to pro-
25 mote reforms aimed at improving the transparency

1 of INTERPOL and ensuring its operation consistent
2 with its Constitution, particularly articles 2 and 3,
3 and Rules on the Processing of Data, including—

4 (A) supporting INTERPOL’s reforms en-
5 hancing the screening process for Notices, Dif-
6 fusions, and other INTERPOL communications
7 to ensure they comply with INTERPOL’s Con-
8 stitution and Rules on the Processing of Data
9 (RPD);

10 (B) supporting and strengthening
11 INTERPOL’s coordination with the Commis-
12 sion for Control of INTERPOL’s Files (CCF)
13 in cases in which INTERPOL or the CCF has
14 determined that a member country issued a No-
15 tice, Diffusion, or other INTERPOL commu-
16 nication against an individual in violation of ar-
17 ticles 2 or 3 of the INTERPOL Constitution,
18 or the RPD, to prohibit such member country
19 from seeking the publication or issuance of any
20 subsequent Notices, Diffusions, or other
21 INTERPOL communication against the same
22 individual based on the same set of claims or
23 facts;

24 (C) increasing, to the extent practicable,
25 dedicated funding to the CCF and the Notices

1 and Diffusions Task Force in order to further
2 expand operations related to the review of re-
3 quests for red notices and red diffusions;

4 (D) supporting candidates for positions
5 within INTERPOL's structures, including the
6 Presidency, Executive Committee, General Sec-
7 retariat, and CCF who have demonstrated expe-
8 rience relating to and respect for the rule of
9 law;

10 (E) seeking to require INTERPOL in its
11 annual report to provide a detailed account,
12 disaggregated by member country or entity of—

13 (i) the number of Notice requests,
14 disaggregated by color, that it received;

15 (ii) the number of Notice requests,
16 disaggregated by color, that it rejected;

17 (iii) the category of violation identified
18 in each instance of a rejected Notice;

19 (iv) the number of Diffusions that it
20 cancelled without reference to decisions by
21 the CCF; and

22 (v) the sources of all INTERPOL in-
23 come during the reporting period; and

1 (F) supporting greater transparency by the
2 CCF in its annual report by providing a de-
3 tailed account, disaggregated by country, of—

4 (i) the number of admissible requests
5 for correction or deletion of data received
6 by the CCF regarding issued Notices, Dif-
7 fusions, and other INTERPOL commu-
8 nications; and

9 (ii) the category of violation alleged in
10 each such complaint;

11 (2) inform the INTERPOL General Secretariat
12 about incidents in which member countries abuse
13 INTERPOL communications for politically moti-
14 vated or other unlawful purposes so that, as appro-
15 priate, action can be taken by INTERPOL; and

16 (3) request to censure member countries that
17 repeatedly abuse and misuse INTERPOL's red no-
18 tice and red diffusion mechanisms, including re-
19 stricting the access of those countries to
20 INTERPOL's data and information systems.

21 (d) REPORT ON INTERPOL.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, and bian-
24 nually thereafter for a period of 4 years, the Attor-
25 ney General and the Secretary of State, in consulta-

1 tion with the heads of other relevant United States
2 Government departments or agencies, shall submit
3 to the appropriate committees of Congress a report
4 containing an assessment of how INTERPOL mem-
5 ber countries abuse INTERPOL Red Notices, Diffu-
6 sions, and other INTERPOL communications for
7 political motives and other unlawful purposes within
8 the past three years.

9 (2) ELEMENTS.—The report required under
10 paragraph (1) shall include the following elements:

11 (A) A list of countries that the Attorney
12 General and the Secretary determine have re-
13 peatedly abused and misused the red notice and
14 red diffusion mechanisms for political purposes.

15 (B) A description of the most common tac-
16 tics employed by member countries in con-
17 ducting such abuse, including the crimes most
18 commonly alleged and the INTERPOL commu-
19 nications most commonly exploited.

20 (C) An assessment of the adequacy of
21 INTERPOL mechanisms for challenging abu-
22 sive requests, including the Commission for the
23 Control of INTERPOL's Files (CCF), an as-
24 sessment of the CCF's March 2017 Operating

1 Rules, and any shortcoming the United States
2 believes should be addressed.

3 (D) A description of how INTERPOL's
4 General Secretariat identifies requests for red
5 notice or red diffusions that are politically moti-
6 vated or are otherwise in violation of
7 INTERPOL's rules and how INTERPOL re-
8 views and addresses cases in which a member
9 country has abused or misused the red notice
10 and red diffusion mechanisms for overtly polit-
11 ical purposes.

12 (E) A description of any incidents in which
13 the Department of Justice assesses that United
14 States courts and executive departments or
15 agencies have relied on INTERPOL commu-
16 nications in contravention of existing law or
17 policy to seek the detention of individuals or
18 render judgments concerning their immigration
19 status or requests for asylum, with holding of
20 removal, or convention against torture claims
21 and any measures the Department of Justice or
22 other executive departments or agencies took in
23 response to these incidents.

24 (F) A description of how the United States
25 monitors and responds to likely instances of

1 abuse of INTERPOL communications by mem-
2 ber countries that could affect the interests of
3 the United States, including citizens and na-
4 tionals of the United States, employees of the
5 United States Government, aliens lawfully ad-
6 mitted for permanent residence in the United
7 States, aliens who are lawfully present in the
8 United States, or aliens with pending asylum,
9 withholding of removal, or convention against
10 torture claims, though they may be unlawfully
11 present in the United States.

12 (G) A description of what actions the
13 United States takes in response to credible in-
14 formation it receives concerning likely abuse of
15 INTERPOL communications targeting employ-
16 ees of the United States Government for activi-
17 ties they undertook in an official capacity.

18 (H) A description of United States advo-
19 cacy for reform and good governance within
20 INTERPOL.

21 (I) A strategy for improving interagency
22 coordination to identify and address instances
23 of INTERPOL abuse that affect the interests
24 of the United States, including international re-
25 spect for human rights and fundamental free-

1 doms, citizens and nationals of the United
2 States, employees of the United States Govern-
3 ment, aliens lawfully admitted for permanent
4 residence in the United States, aliens who are
5 lawfully present in the United States, or aliens
6 with pending asylum, withholding of removal, or
7 convention against torture claims, though they
8 may be unlawfully present in the United States.

9 (3) FORM OF REPORT.—Each report required
10 under this subsection shall be submitted in unclassi-
11 fied form, but may include a classified annex, as ap-
12 propriate. The unclassified portion of the report
13 shall be posted on a publicly available website of the
14 Department of State and of the Department of Jus-
15 tice.

16 (4) BRIEFING.—Not later than 30 days after
17 the submission of each report under paragraph (1),
18 the Department of Justice and the Department of
19 State, in coordination with other relevant United
20 States Government departments and agencies, shall
21 brief the appropriate committees of Congress on the
22 content of the reports and recent instances of
23 INTERPOL abuse by member countries and United
24 States efforts to identify and challenge such abuse,

1 including efforts to promote reform and good gov-
2 ernance within INTERPOL.

3 (e) PROHIBITION REGARDING BASIS FOR EXTRA-
4 DITION.—No United States Government department or
5 agency may extradite an individual based solely on an
6 INTERPOL Red Notice or Diffusion issued by another
7 INTERPOL member country for such individual.

8 (f) DEFINITIONS.—In this Act:

9 (1) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means—

12 (A) the Committee on Foreign Relations
13 and the Committee on the Judiciary of the Sen-
14 ate; and

15 (B) the Committee on Foreign Affairs and
16 the Committee on the Judiciary of the House of
17 Representatives.

18 (2) INTERPOL COMMUNICATIONS.—The term
19 “INTERPOL communications” means any
20 INTERPOL Notice or Diffusion or any entry into
21 any INTERPOL database or other communications
22 system maintained by INTERPOL.

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