

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.

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## 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

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## 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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