

117TH CONGRESS
1ST SESSION

S. 2926

To require certain entities to disclose to the Secretary of Homeland Security ransom payments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2021

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require certain entities to disclose to the Secretary of Homeland Security ransom payments, 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. DISCLOSURE OF RANSOM PAYMENTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED ENTITY.—The term “covered en-
6 tity”—

7 (A) means a public or private entity that—

8 (i) is engaged in interstate commerce

9 or an activity affecting interstate com-

10 merce; or

1 (ii) receives Federal funds;

2 (B) includes a local government; and

3 (C) does not include an individual.

4 (2) INFORMATION SYSTEM.—The term “infor-
5 mation system” has the meaning given such term in
6 section 3502 of title 44, United States Code.

7 (3) RANSOM.—The term “ransom” means
8 money or other thing of value demanded by an actor
9 from a covered entity or individual after such actor
10 gains control of an information system of such entity
11 or individual.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Homeland Security.

14 (b) DISCLOSURE REQUIRED.—Not later than 7 days
15 after the date on which a covered entity pays a ransom,
16 the entity shall disclose to the Secretary, in accordance
17 with subsection (b), such payment.

18 (c) CONTENTS.—A disclosure made under subsection
19 (b) shall include, with respect to the ransom at issue, the
20 following:

21 (1) The date on which such ransom was de-
22 manded.

23 (2) The date on which such ransom was paid.

24 (3) The amount of such ransom demanded.

25 (4) The amount of such ransom paid.

1 (5) An identification of the currency, including
2 if cryptocurrency, used for payment of such ransom.

3 (6) Whether the covered entity that paid such
4 ransom receives Federal funds.

5 (7) Any known information regarding the iden-
6 tity of the actor demanding such ransom.

7 (d) NONCOMPLIANCE.—The Secretary shall establish
8 by regulation appropriate penalties for a covered entity
9 that fails to make a disclosure required under subsection
10 (b).

11 (e) PUBLIC AVAILABILITY.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act and annually
14 thereafter, the Secretary shall publish on a publicly
15 available website of the Department of Homeland
16 Security the information disclosed under subsection
17 (b) during the preceding 1-year period, including the
18 total dollar amount of ransoms paid by covered enti-
19 ties during such period.

20 (2) EXCLUSION OF IDENTIFYING INFORMA-
21 TION.—Information that reveals the identity of a
22 covered entity that made a disclosure under sub-
23 section (b) shall be excluded from the information
24 published under paragraph (1).

1 (f) STUDY AND REPORT ON RANSOM COMMONAL-
2 ITIES.—

3 (1) STUDY.—The Secretary shall conduct a
4 study to determine if—

5 (A) there are commonalities with respect to
6 the information disclosed under subsection (b);
7 and

8 (B) the extent to which cryptocurrency has
9 facilitated the kinds of attacks that resulted in
10 the payment of ransoms by covered entities.

11 (2) REPORT.—Not later than 15 months after
12 the date of the enactment of this Act, the Secretary
13 shall submit to Congress a report that includes—

14 (A) the findings of the study conducted
15 under paragraph (1); and

16 (B) such recommendations as the Sec-
17 retary considers appropriate for protecting the
18 information systems of covered entities.

19 (g) INDIVIDUAL REPORTING.—

20 (1) IN GENERAL.—Not later than December 21,
21 2021, the Secretary shall establish a website through
22 which individuals may voluntarily report the pay-
23 ment of a ransom by the individual.

24 (2) INCORPORATION OF DATA.—To the greatest
25 extent practicable, the Secretary shall incorporate

1 data from reporting by individuals under paragraph
2 (1) in—

3 (A) the information published under sub-
4 section (e); and

5 (B) the study conducted under subsection
6 (f).

7 (h) APPLICABILITY.—This section shall apply to ran-
8 soms paid on or after the date that is 90 days after the
9 date of the enactment of this Act.

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