

117TH CONGRESS
1ST SESSION

S. 3241

To amend title 28, United States Code, to allow claims against foreign states for unlawful computer intrusion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

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

A BILL

To amend title 28, United States Code, to allow claims against foreign states for unlawful computer intrusion, 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.**

4 This Act may be cited as the “Homeland And Cyber
5 Threat Act” or the “HACT Act”.

6 **SEC. 2. FOREIGN STATE COMPUTER INTRUSIONS.**

7 (a) IN GENERAL.—Chapter 97 of title 28, United
8 States Code, is amended by inserting after section 1605B
9 the following:

1 **“§ 1605C. Computer intrusions by a foreign state**

2 “A foreign state shall not be immune from the juris-
3 diction of the courts of the United States or of the States
4 in any case not otherwise covered by this chapter in which
5 money damages are sought against a foreign state by a
6 national of the United States for personal injury, harm
7 to reputation, or damage to or loss of property resulting
8 from any of the following activities, whether occurring in
9 the United States or a foreign state:

10 “(1) Unauthorized access to or access exceeding
11 authorization to a computer located in the United
12 States.

13 “(2) Unauthorized access to confidential, elec-
14 tronic stored information located in the United
15 States.

16 “(3) The transmission of a program, informa-
17 tion, code, or command to a computer located in the
18 United States, which, as a result of such conduct,
19 causes damage without authorization.

20 “(4) The use, dissemination, or disclosure, with-
21 out consent, of any information obtained by means
22 of any activity described in paragraph (1), (2), or
23 (3).

24 “(5) The provision of material support or re-
25 sources for any activity described in paragraph (1),

1 (2), (3), or (4), including by an official, employee, or
2 agent of such foreign state.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 97 of title 28, United
5 States Code, is amended by inserting after the item relat-
6 ing to section 1605B the following:

 “1605C. Computer intrusions by a foreign state.”.

7 (c) APPLICATION.—This Act and the amendments
8 made by this Act shall apply to any action pending on
9 or filed on or after the date of the enactment of this Act.

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