



1 to result in, or have materially contributed to, a sig-  
2 nificant threat to the national security, foreign pol-  
3 icy, public health, or economic health or financial  
4 stability of the United States and that have the pur-  
5 pose or effect of—

6 (A) harming, or otherwise significantly  
7 compromising the provision of services by a  
8 computer or network of computers that support  
9 one or more entities in a critical infrastructure  
10 sector;

11 (B) significantly compromising the provi-  
12 sion of services by one or more entities in a  
13 critical infrastructure sector;

14 (C) causing a significant disruption to the  
15 availability of a computer or network of com-  
16 puters; or

17 (D) causing a significant misappropriation  
18 of funds or economic resources, trade secrets,  
19 personal identifiers, intellectual property, or fi-  
20 nancial information for commercial or competi-  
21 tive advantage or private financial gain;

22 (2) to be responsible for or complicit in, or to  
23 have engaged in, or to have knowingly materially  
24 benefitted from, the receipt or use for commercial or  
25 competitive advantage or private financial gain, of

1 funds or economic resources, trade secrets, personal  
2 identifiers, intellectual property, or financial infor-  
3 mation misappropriated through cyber-enabled ac-  
4 tivities and with respect to which such actions are  
5 reasonably likely to result in, or have materially con-  
6 tributed to, a significant threat to the national secu-  
7 rity, foreign policy, public health, or economic health  
8 or financial stability of the United States;

9 (3) to have materially assisted, sponsored, or  
10 provided financial, material, or technological support  
11 for, or goods or services in support of—

12 (A) any activity described in paragraphs  
13 (1) and (2); or

14 (B) any person whose property or interests  
15 in property are blocked pursuant to this section;

16 (4) to be owned or controlled by, or to have  
17 acted or purported to act for or on behalf of, directly  
18 or indirectly, any person whose property or interests  
19 in property are blocked pursuant to this section; or

20 (5) to have attempted to engage in any of the  
21 activities described in paragraphs (1) through (3).

22 (b) SANCTIONS DESCRIBED.—The sanctions to be  
23 imposed with respect to a foreign person described in sub-  
24 section (a) are the following:

1           (1) BLOCKING OF PROPERTY.—The President  
2           shall exercise all of the powers granted to the Presi-  
3           dent by the International Emergency Economic  
4           Powers Act (50 U.S.C. 1701 et seq.) (except that  
5           the requirements of section 202 of such Act (50  
6           U.S.C. 1701) shall not apply) to the extent nec-  
7           essary to block and prohibit all transactions in prop-  
8           erty and interests in property of the person if such  
9           property and interests in property are in the United  
10          States, come within the United States, or are or  
11          come within the possession or control of a United  
12          States person.

13          (2) INADMISSIBILITY OF CERTAIN INDIVID-  
14          UALS.—

15                 (A) INELIGIBILITY FOR VISAS, ADMISSION,  
16                 OR PAROLE.—An alien who is a foreign person  
17                 under subsection (a), or an alien who is an offi-  
18                 cer or director of a foreign person under such  
19                 subsection, is—

- 20                         (i) inadmissible to the United States;  
21                         (ii) ineligible to receive a visa or other  
22                         documentation to enter the United States;  
23                         and  
24                         (iii) otherwise ineligible to be admitted  
25                         or paroled into the United States or to re-

1           ceive any other benefit under the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1101 et  
3           seq.).

4           (B) CURRENT VISAS REVOKED.—An alien  
5           who is a foreign person under subsection (a), or  
6           an alien who is an officer or director of a for-  
7           eign person under such subsection, is subject to  
8           the following:

9                   (i) Revocation of any visa or other  
10                  entry documentation regardless of when  
11                  the visa or other entry documentation is or  
12                  was issued.

13                  (ii) A revocation under clause (i)  
14                  shall—

15                           (I) take effect immediately; and

16                           (II) cancel any other valid visa or  
17                           entry documentation that is in the  
18                           foreign person's or alien's possession,  
19                           as the case may be.

20           (c) PENALTIES.—The penalties provided for in sub-  
21           sections (b) and (c) of section 206 of the International  
22           Emergency Economic Powers Act (50 U.S.C. 1705) shall  
23           apply to a person that violates, attempts to violate, con-  
24           spires to violate, or causes a violation of this section, in-  
25           cluding regulations promulgated in accordance therewith,

1 to the same extent that such penalties apply to a person  
2 that commits an unlawful act described in section 206(a)  
3 of such Act.

4 (d) EXCEPTION.—Sanctions imposed pursuant to  
5 this section shall not apply to an alien if admitting or pa-  
6 roling the alien into the United States is necessary to per-  
7 mit the United States to comply with the Agreement re-  
8 garding the Headquarters of the United Nations, signed  
9 at Lake Success June 26, 1947, and entered into force  
10 November 21, 1947, between the United Nations and the  
11 United States, or other applicable international obligations  
12 of the United States.

13 (e) EXCEPTION TO COMPLY WITH NATIONAL SECUR-  
14 RITY.—The following activities shall be exempt from sanc-  
15 tions under this section:

16 (1) Activities subject to the reporting require-  
17 ments under title V of the National Security Act of  
18 1947 (50 U.S.C. 3091 et seq.).

19 (2) Activities subject to any authorized intel-  
20 ligence or law enforcement activities of the United  
21 States.

22 (f) IMPLEMENTATION AND REGULATORY AUTHOR-  
23 ITY.—The President is authorized to exercise all authori-  
24 ties provided to the President under sections 203 and 205  
25 of the International Emergency Economic Powers Act (50

1 U.S.C. 1702 and 1704) to carry out this Act and may  
2 issue such regulations, licenses, and orders as are nec-  
3 essary to carry out this Act.

4 (g) EXCEPTION RELATED TO THE IMPORTATION OF  
5 GOODS.—

6 (1) IN GENERAL.—The authorities and require-  
7 ments to impose sanctions pursuant to this section  
8 shall not include the authority or requirement to im-  
9 pose sanctions on the importation of goods.

10 (2) GOOD DEFINED.—In this section, the term  
11 “good” means any article, natural or man-made sub-  
12 stance, material, supply or manufactured product,  
13 including inspection and test equipment and exclud-  
14 ing technical data.

15 (h) REPORT ON CYBER-ENABLED ACTIVITIES.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of the enactment of this Act, the Sec-  
18 retary of State, in consultation with the Director of  
19 National Intelligence, shall submit to the appro-  
20 priate congressional committees a report detailing  
21 the extent of known cyber-enabled activities or at-  
22 tempted cyber-enabled activities as described in this  
23 section by foreign persons related to the 2019 novel  
24 coronavirus and whether such activities qualify for  
25 the imposition of sanctions pursuant to this section.

1           (2) FORM.—The report required under sub-  
2           section (a) shall be unclassified but may contain a  
3           classified annex.

4           (i) DEFINITIONS.—In this section:

5           (1) ADMITTED; ALIEN.—The terms “admitted”  
6           and “alien” have the meanings given such terms in  
7           section 101 of the Immigration and Nationality Act  
8           (8 U.S.C. 1101).

9           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
10          TEES.—The term “appropriate congressional com-  
11          mittees” means—

12                 (A) in the House of Representatives—

13                         (i) the Committee on Foreign Affairs;

14                         and

15                         (ii) the Committee on Ways and  
16                         Means; and

17                 (B) in the Senate—

18                         (i) the Committee on Foreign Rela-  
19                         tions; and

20                         (ii) the Committee on Banking, Hous-  
21                         ing, and Urban Affairs.

22           (3) CRITICAL INFRASTRUCTURE SECTOR.—The  
23           term “critical infrastructure sector” means any of  
24           the designated critical infrastructure sectors identi-  
25           fied in Presidential Policy Directive 21.

1           (4) ENTITY.—The term “entity” means a part-  
2           nership, association, trust, joint venture, corpora-  
3           tion, group, subgroup, or other organization.

4           (5) FOREIGN GOVERNMENT.—The term “for-  
5           eign government” means any government of a coun-  
6           try other than the United States.

7           (6) FOREIGN PERSON.—The term “foreign per-  
8           son” means an individual or entity that is not a  
9           United States person.

10          (7) KNOWINGLY.—The term “knowingly” with  
11          respect to conduct, a circumstance, or a result,  
12          means that a person has actual knowledge, or should  
13          have known, of the conduct, the circumstance, or the  
14          result.

15          (8) MISAPPROPRIATION.—The term “misappro-  
16          priation” means any taking or obtaining by im-  
17          proper means, without permission or consent, or  
18          under false pretenses.

19          (9) PERSON.—The term “person” means an in-  
20          dividual or entity.

21          (10) UNITED STATES PERSON.—The term  
22          “United States person” means any United States  
23          citizen, permanent resident alien, entity organized  
24          under the laws of the United States or any jurisdic-

1           tion within the United States (including foreign  
2           branches), or any person in the United States.

3 **SEC. \_\_\_\_ . STOPPING TRAFFICKING IN BOTNETS.**

4           Section 1030 of title 18, United States Code, is  
5 amended—

6           (1) in subsection (a)—

7                 (A) in paragraph (7), by adding “or” at  
8                 the end; and

9                 (B) by adding at the end the following new  
10                 paragraph:

11                 “(8) knowingly traffics in access to a protected  
12                 computer, if the trafficker knows the protected com-  
13                 puter has been damaged in a manner prohibited by  
14                 this section.”;

15           (2) in subsection (c)(3)—

16                 (A) in subparagraph (A), by striking  
17                 “(a)(4) or (a)(7)” and inserting “(a)(4), (a)(7),  
18                 or (a)(8)”; and

19                 (B) in subparagraph (B), by striking  
20                 “(a)(4), or (a)(7)” and inserting “(a)(4),  
21                 (a)(7), or (a)(8)”; and

22           (3) in subsection (e)—

23                 (A) in paragraph (11), by striking “and”  
24                 at the end;

1 (B) in paragraph (12), by striking the pe-  
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(13) the term ‘traffic’ has the meaning given  
6 such term in section 1029(e)(5) of this title.”; and

7 (4) in subsection (g), by inserting “, except for  
8 a violation of subsection (a)(8),” after “violation of  
9 this section”.

10 **SEC. \_\_\_\_ . INJUNCTIONS AGAINST FRAUD AND ABUSE.**

11 Section 1345 of title 18, United States Code, is  
12 amended—

13 (1) in the section heading by striking “**FRAUD**”  
14 and inserting “**FRAUD AND ABUSE**”;

15 (2) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) subparagraph (B), by striking “;  
18 or” and inserting a semicolon;

19 (ii) in subparagraph (C), by striking  
20 the semicolon and inserting “; or”; and

21 (iii) by adding at the end the fol-  
22 lowing new subparagraph:

23 “(D) violating or about to violate section  
24 1030(a)(5) of this title where such conduct has  
25 caused or would cause damage (as defined in

1 section 1030) without authorization to 100 or  
2 more protected computers (as defined in section  
3 1030) during any 1-year period, including by—

4 “(i) damage of the protected com-  
5 puters without authorization; or

6 “(ii) installing or maintaining control  
7 over malicious software on the protected  
8 computers that, without authorization,  
9 have caused or would cause damage to the  
10 protected computers;” and

11 (B) in paragraph (2) by inserting “, a vio-  
12 lation under subsection (a)(1)(D),” after “(as  
13 defined in section 3322(d) of this title);” and

14 (3) by adding at the end the following new sub-  
15 section:

16 “(c)(1) No cause of action may lie or be maintained  
17 in any court against any person and shall be promptly dis-  
18 missed if such cause of action is with respect to an act  
19 that is in compliance with any restraining order, prohibi-  
20 tion, or other action under subsection (b), if issued in cir-  
21 cumstances described in subsection (a)(1)(D).

22 “(2) A restraining order, prohibition, or other  
23 action under subsection (b), if issued in cir-  
24 cumstances described in subsection (a)(1)(D), may,  
25 upon application of the Attorney General, provide

1       that the United States shall pay to such person a fee  
2       for reimbursement for such costs as are reasonably  
3       necessary and which have been directly incurred in  
4       complying with the restraining order, prohibition, or  
5       other action.”.

