

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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.