

**(b) Reports to Congress**

Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a), the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

(1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a); and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

(Pub. L. 106-65, div. A, title XII, §1231, Oct. 5, 1999, 113 Stat. 788.)

**Editorial Notes****CODIFICATION**

This section enacted as part of the National Defense Authorization Act for Fiscal Year 2000, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

**§ 1708. Actions to address economic or industrial espionage in cyberspace****(a) Report required****(1) In general**

Not later than 180 days after December 19, 2014, and annually thereafter through 2020, the President shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons;

(ii) foreign countries identified under clause (i) that the President determines engage in the most egregious economic or industrial espionage in cyberspace with respect to such trade secrets or proprietary information (to be known as “priority foreign countries”);

(iii) categories of technologies or proprietary information developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage;

(iv) articles manufactured or otherwise produced using technologies or proprietary information described in clause (iii)(II); and

(v) to the extent practicable, services provided using such technologies or proprietary information;

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under clauses (i) and (ii) of subparagraph (A); and

(C) describes—

(i) actions taken by the President to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of such espionage.

**(2) Determination of foreign countries engaging in economic or industrial espionage in cyberspace**

For purposes of clauses (i) and (ii) of paragraph (1)(A), the President shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise permits such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

**(3) Form of report**

Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**(b) Imposition of sanctions****(1) In general**

The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of each person described in paragraph (2), if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

**(2) Persons described**

A person described in this paragraph is a foreign person the President determines knowingly requests, engages in, supports, facilitates, or benefits from the significant appropriation, through economic or industrial espionage in cyberspace, of technologies or proprietary information developed by United States persons.

**(3) Exception**

The authority to impose sanctions under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

**(4) Implementation; penalties****(A) Implementation**

The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subsection.

**(B) Penalties**

The penalties provided for in subsections (b) and (c) of section 206 of the International

Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, or conspires to violate, or causes a violation of, this subsection or a regulation prescribed under this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act [50 U.S.C. 1705(a)].

**(c) Rule of construction**

Nothing in this section shall be construed to affect the application of any penalty or the exercise of any authority provided for under any other provision of law.

**(d) Definitions**

In this section:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

**(2) Cyberspace**

The term “cyberspace”—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

**(3) Economic or industrial espionage**

The term “economic or industrial espionage” means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

**(4) Knowingly**

The term “knowingly”, with respect to conduct, a circumstance, or a result, means that

a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

**(5) Own**

The term “own”, with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license in, the trade secret or proprietary information.

**(6) Person**

The term “person” means an individual or entity.

**(7) Proprietary information**

The term “proprietary information” means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

**(8) Technology**

The term “technology” has the meaning given that term in section 16<sup>1</sup> of the Export Administration Act of 1979 (50 U.S.C. 4618) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

**(9) Trade secret**

The term “trade secret” has the meaning given that term in section 1839 of title 18.

**(10) United States person**

The term “United States person” means—

(A) an individual who is a citizen or resident of the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States; or

(C) a person located in the United States.

(Pub. L. 113–291, div. A, title XVI, §1637, Dec. 19, 2014, 128 Stat. 3644.)

**Editorial Notes**

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsecs. (b)(1) and (d)(8), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618), referred to subsec. (d)(8), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

CODIFICATION

This section was enacted as part of the Carl Levin and Howard P. “Buck” McKeon National Defense Au-

<sup>1</sup> See References in Text note below.

thorization Act for Fiscal Year 2015, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

## CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

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### SUBCHAPTER I—ELECTRONIC SURVEILLANCE

#### § 1801. Definitions

As used in this subchapter:

(a) “Foreign power” means—

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a group engaged in international terrorism or activities in preparation therefor;

(5) a foreign-based political organization, not substantially composed of United States persons;

(6) an entity that is directed and controlled by a foreign government or governments; or

(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.

(b) “Agent of a foreign power” means—

(1) any person other than a United States person, who—

(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4), irrespective of whether the person is inside the United States;

(B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances indicate that such person may engage in such activities, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities;

(C) Omitted

(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or