

117TH CONGRESS
1ST SESSION

S. 2943

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 6, 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. SHORT TITLE.**

4 This Act may be cited as the “Ransom Disclosure
5 Act”.

6 **SEC. 2. DISCLOSURE OF RANSOM PAYMENTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED ENTITY.—The term “covered en-
9 tity”—

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

1 (i) is engaged in interstate commerce
2 or an activity affecting interstate com-
3 merce; or

4 (ii) receives Federal funds;

5 (B) includes a local government; and

6 (C) does not include an individual.

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

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

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

17 (b) DISCLOSURE REQUIRED.—Not later than 48
18 hours after a covered entity pays a ransom, the covered
19 entity shall disclose to the Secretary, in accordance with
20 subsection (c), such payment.

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

24 (1) The date on which such ransom was de-
25 manded.

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

2 (3) The amount of such ransom demanded.

3 (4) The amount of such ransom paid.

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

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

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

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

14 (e) PUBLIC AVAILABILITY.—

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

23 (2) EXCLUSION OF IDENTIFYING INFORMA-
24 TION.—Information that reveals the identity of a
25 covered entity that made a disclosure under sub-

1 section (b) shall be excluded from the information
2 published under paragraph (1).

3 (f) STUDY AND REPORT ON RANSOM COMMONAL-
4 ITIES.—

5 (1) STUDY.—The Secretary shall conduct a
6 study to determine—

7 (A) if there are commonalities with respect
8 to the information disclosed under subsection
9 (b); and

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

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

16 (A) the findings of the study conducted
17 under paragraph (1); and

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

21 (g) INDIVIDUAL REPORTING.—

22 (1) IN GENERAL.—Not later than 60 days after
23 the date of enactment of this Act, the Secretary
24 shall establish a website through which individuals

1 may voluntarily report the payment of a ransom by
2 the individual.

3 (2) INCORPORATION OF DATA.—To the greatest
4 extent practicable, the Secretary shall incorporate
5 data from reporting by individuals under paragraph
6 (1) in—

7 (A) the information published under sub-
8 section (e); and

9 (B) the study conducted under subsection
10 (f).

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

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