

(2) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(3) Entity

The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(4) Export Administration Regulations

The term “Export Administration Regulations” has the meaning given that term in section 4801 of this title.

(5) Foreign entity

The term “foreign entity” means an entity that is not a United States person.

(6) Foreign person

The term “foreign person” means any person that is not a United States person.

(7) 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.

(8) Person

The term “person” means an individual or entity.

(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) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

(Pub. L. 117-336, § 2, Jan. 5, 2023, 136 Stat. 6147.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(1)(A), (2)(A), 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.

The Immigration and Nationality Act, referred to in subsec. (b)(2)(B)(i)(III), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

The National Security Act of 1947, referred to in subsec. (e)(1), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Protecting American Intellectual Property Act of 2022, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

Executive Documents

DELEGATION OF FUNCTIONS AND AUTHORITIES UNDER THE PROTECTING AMERICAN INTELLECTUAL PROPERTY ACT OF 2022

Memorandum of President of the United States, July 19, 2024, 89 F.R. 64345, provided:

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

SECTION 1. (a) I hereby delegate to the Secretary of State, with input from the Director of National Intelligence, the Attorney General, the Secretary of Commerce, and the heads of other relevant executive departments and agencies (agencies), as appropriate, the functions and authorities vested in the President by section 2(a) of the Protecting American Intellectual Property Act of 2022 (Public Law 117-336; 50 U.S.C. 1709) (the “Act”). To support the Secretary of State’s preparation of the report required under section 2(a) of the Act, the Director of National Intelligence, the Attorney General, the Secretary of Commerce, and, as appropriate, the heads of other relevant agencies, shall provide pertinent information to the Secretary of State at least 90 days before the deadline for submission of the annual report to the appropriate congressional committees.

(b) I hereby delegate to the Secretary of State, in consultation with the heads of other relevant agencies, as appropriate, the authority to select the types of sanctions to be imposed under section 2(b)(1) of the Act. Once applicable sanctions are selected pursuant to section 2(b)(1) of the Act, I hereby delegate to the heads of other relevant agencies the authority to implement such sanctions, commensurate with their respective areas of responsibility.

(c) I hereby delegate to the Secretary of the Treasury the functions and authorities vested in the President by section 2(b)(2)(A) and section 2(d) of the Act.

(d) I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 2(c) of the Act.

SEC. 2. The delegations in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as the provisions referenced in this memorandum. Any reference in this memorandum to the Act shall be deemed to be a reference to such Act as amended from time to time.

SEC. 3. The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 1710. Confronting asymmetric and malicious cyber activities**(a) In general**

On and after the date that is 180 days after April 24, 2024, the President may impose the sanctions described in subsection (b) with respect to any foreign person that the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State determine, on or after April 24, 2024—

(1) is responsible for or complicit in, or has engaged knowingly in, significant cyber-enabled activities originating from, or directed by persons located, in whole or in substantial

part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States;

(2) materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in this subsection or any person whose property and interests in property are blocked pursuant to this section;

(3) is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section; or

(4) has attempted to engage in any of the activities described in paragraph (1), (2), or (3).

(b) Sanctions described

The sanctions described in this subsection are the following:

(1) Inadmissibility to United States

In the case of an alien—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 1201(i) of title 8, of the visa or other documentation.

(2) Blocking of property

The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person 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.

(c) Requests by appropriate congressional committees

(1) In general

Not later than 120 days after receiving a request that meets the requirements of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State shall—

(A) determine if that person has engaged in such an activity; and

(B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that determination that includes—

(i) a statement of whether or not the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State imposed or intends to impose sanctions with respect to the person;

(ii) if the President imposed or intends to impose sanctions, a description of those sanctions; and

(iii) if the President does not intend to impose sanctions, a description of actions

that meet the threshold for the President to impose sanctions.

(2) Requirements

A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

(d) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(Pub. L. 118–50, div. O, § 5, Apr. 24, 2024, 138 Stat. 990.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(2), 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.

CODIFICATION

Section was enacted as part of the Strengthening Tools to Counter the Use of Human Shields Act, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

Executive Documents

DELEGATION OF FUNCTIONS

Memorandum of President of the United States, § 6(a), Sept. 13, 2024, 89 F.R. 77758, provided:

I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, the functions and authorities vested in the President by section 5(a) of the Strengthening Tools to Counter the Use of Human Shields Act (Division O of Public Law 118–50) (the “Countering Use of Human Shields Act”) [50 U.S.C. 1710(a)].

J.R. BIDEN, JR.

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

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1801.	Definitions.
1802.	Electronic surveillance authorization without court order; certification by Attorney General; reports to Congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court.
1803.	Designation of judges.
1804.	Applications for court orders.
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1808.	Report of Attorney General to Congressional committees; limitation on authority or responsibility of information gathering activities of Congressional committees; report of Congressional committees to Congress.