

119TH CONGRESS
2D SESSION

S. _____

To amend chapter 37 of title 18, United States Code, to improve the prohibition on espionage.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend chapter 37 of title 18, United States Code, to improve the prohibition on espionage.

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 “Visual Protection of
5 Strategic Assets Act”.

6 **SEC. 2. IMPROVEMENTS TO THE PROHIBITION ON ESPIO-**
7 **NAGE.**

8 (a) GATHERING, TRANSMITTING, OR LOSING DE-
9 FENSE INFORMATION.—Section 793 of title 18, United

1 States Code, is amended by adding at the end the fol-
2 lowing:

3 “(i)(1) In this subsection—

4 “(A) the term ‘country of concern’ means—

5 “(i) the Democratic People’s Republic of
6 Korea;

7 “(ii) the People’s Republic of China;

8 “(iii) the Russian Federation; and

9 “(iv) the Islamic Republic of Iran;

10 “(B) the term ‘covered person’ means—

11 “(i) a citizen or national of a country of
12 concern; or

13 “(ii) a person acting on behalf of a citizen
14 or national of a country of concern;

15 “(C) the term ‘high-value asset’ means an asset
16 included on the list maintained under paragraph (3);
17 and

18 “(D) the term ‘tier-1 installation’ means a mili-
19 tary installation designated as a tier-1 installation
20 by the Secretary of Defense under paragraph (4).

21 “(2)(A) For purposes of this section, there shall be
22 a rebuttable presumption that a covered person who pho-
23 tographs, videos, or tracks a high-value asset or tier-1 in-
24 stallation photographed, videoed, or tracked the high-value
25 asset or tier-1 installation with intent or reason to believe

1 the information would injure the United States or advan-
2 tage a foreign nation.

3 “(B) A covered person may rebut the presumption
4 under subparagraph (A) by demonstrating, by clear and
5 convincing evidence, that the covered person photo-
6 graphed, videoed, or tracked the high-value asset or tier-
7 1 installation with prior approval from the Secretary of
8 Defense.

9 “(3) The Secretary of Defense shall maintain a list
10 of high-value assets of the Department of Defense, which
11 shall include—

12 “(A) the Boeing E-4B ‘Nightwatch’ aircraft;

13 “(B) the Boeing RC-135 aircraft;

14 “(C) the Northrop B-2 ‘Spirit’ aircraft;

15 “(D) the Rockwell B-1 ‘Lancer’ aircraft; and

16 “(E) any nuclear command platform.

17 “(4) The Secretary of Defense, in consultation with
18 the Chairman of the Joint Chiefs of Staff and the Secre-
19 taries of the military departments, shall designate as a
20 tier-1 installations each military installation that—

21 “(A) houses, supports, or serves as a primary
22 operating location for 1 or more high-value assets;

23 or

1 “(B) is critical to the execution of national stra-
2 tegic missions, including nuclear deterrence, global
3 strike, or strategic intelligence collection.

4 “(5) The Secretary of Defense shall—

5 “(A) not less frequently than annually, make
6 publicly available an updated list of high-value assets
7 and tier-1 installations; and

8 “(B) install signs and other markers—

9 “(i) identifying high-value assets and tier-
10 1 installations; and

11 “(ii) stating that photography and other
12 surveillance of the high-value assets and tier-1
13 installations are strictly prohibited.”.

14 (b) MODERNIZING AND STRENGTHENING THE PRO-
15 HIBITION ON PHOTOGRAPHING AND SKETCHING DE-
16 FENSE INSTALLATIONS.—

17 (1) IN GENERAL.—Section 795 of title 18,
18 United States Code, is amended—

19 (A) in subsection (a), by striking “photo-
20 graph,” and inserting “photograph (including a
21 digital photograph), video (including the trans-
22 mission of video content over the internet con-
23 temporaneously with, or nearly contempora-
24 neously with, the capturing of the video con-
25 tent), visual depiction enhanced using artificial

1 intelligence (as defined in section 5002 of the
2 National Artificial Intelligence Initiative Act of
3 2020 (15 U.S.C. 9401)),”; and

4 (B) by striking subsection (b) and insert-
5 ing the following:

6 “(b)(1) In this subsection, the terms ‘country of con-
7 cern’, ‘high-value asset’, and ‘tier-1 installation’ have the
8 meanings given such terms in section 793(i)(1).

9 “(2) Whoever violates this section—

10 “(A) shall be fined under this title, imprisoned
11 for not more than 1 year, or both;

12 “(B) if the violation involved a high-value asset
13 or a tier-1 installation, shall be fined under this title,
14 imprisoned for not more than 7 years, or both; or

15 “(C) if the defendant is a citizen or national of
16 a country of concern, shall be fined under this title,
17 imprisoned for not less than 5 years and not more
18 than 10 years, or both.

19 “(c) Any person who violates this section shall—

20 “(1) forfeit to the United States, irrespective of any
21 provision of State law, any electronic or other device used
22 in the commission of the violation; and

23 “(2) be subject to a civil penalty of not more than
24 \$100,000.”.

1 (2) VISA REVOCATION.—Any citizen or national
2 of a country of concern (as defined in section
3 793(i)(1) of title 18, United States Code), as added
4 by subsection (a), who has been convicted of a viola-
5 tion described in section 795 of title 18, United
6 States Code, as amended by paragraph (1), shall—
7 (A) have his or her visa revoked, in accord-
8 ance with section 221(i) of the Immigration and
9 Nationality Act (8 U.S.C. 1201(i)); and
10 (B) shall be placed in removal proceedings,
11 in accordance with sections 239 and 240 of
12 such Act (8 U.S.C. 1229 and 1229a).