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AMENDMENT TO RULES COMMITTEE PRINT 117-54

OFFERED BY MR. BERGMAN OF MICHIGAN

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Add at the end of title LVIII of division E the following:

1 **SEC. _____. FOREIGN STATE COMPUTER INTRUSIONS.**

2 (a) IN GENERAL.—Chapter 97 of title 28, United

3 States Code, is amended by inserting after section 1605B

4 the following:

5 **"§ 1605C. Computer intrusions by a foreign state**

6 "A foreign state shall not be immune from the juris-

7 diction of the courts of the United States or of the States

8 in any case not otherwise covered by this chapter in which

9 money damages are sought against a foreign state by a

10 national of the United States for personal injury, harm

11 to reputation, or damage to or loss of property resulting

12 from any of the following activities, whether occurring in

13 the United States or a foreign state:

14 "(1) Unauthorized access to or access exceeding

15 authorization to a computer located in the United

16 States.

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1   ''(2) Unauthorized access to confidential, elec-
2   tronic stored information located in the United
3   States.

4   ''(3) The transmission of a program, informa-
5   tion, code, or command to a computer located in the
6   United States, which, as a result of such conduct,
7   causes damage without authorization.

8   ''(4) The use, dissemination, or disclosure, with-
9   out consent, of any information obtained by means
10   of any activity described in paragraph (1), (2), or
11   (3).

12   ''(5) The provision of material support or re-
13   sources for any activity described in paragraph (1),
14   (2), (3), or (4), including by an official, employee, or
15   agent of such foreign state.''.

16   (b) APPLICATION.—This section and the amendments
17   made by this section shall apply to any action pending on
18   or filed on or after the date of the enactment of this Act.

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