

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

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**OFFERED BY MR. BERGMAN OF MICHIGAN**

Page 1115, after line 5, insert the following:

1 **SEC. 17 \_\_\_\_. 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.

17 “(2) Unauthorized access to confidential, elec-  
18 tronic stored information located in the United  
19 States.

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

5           “(4) The use, dissemination, or disclosure, with-  
6           out consent, of any information obtained by means  
7           of any activity described in paragraph (1), (2), or  
8           (3).

9           “(5) The provision of material support or re-  
10          sources for any activity described in paragraph (1),  
11          (2), (3), or (4), including by an official, employee, or  
12          agent of such foreign state.”.

13          (b) CLERICAL AMENDMENT.—The table of sections  
14          for chapter 97 of title 28, United States Code, is amended  
15          by inserting after the item relating to section 1605B the  
16          following:

          “1605C. Computer intrusions by a foreign state.”.

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

