AMENDMENT TO RULES COMMITTEE PRINT 116-57

OFFERED BY MR. BERGMAN OF MICHIGAN

Page 1115, after line 5, insert the following:

SEC. 17. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605B the following:

“§ 1605C. Computer intrusions by a foreign state

“A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

“(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.

“(2) Unauthorized access to confidential, electronic stored information located in the United States.
“(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

“(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

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

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

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

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