NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996

H.R.3723
One Hundred Fourth Congress of the United States of America

AT THE SECOND SESSION
Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and ninety-six

An Act

To amend title 18, United States Code, to protect proprietary economic information, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II--NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996.

SEC. 201. COMPUTER CRIME.
Section 1030 of title 18, United States Code, is amended--
(1) in subsection (a)--
(A) in paragraph (1)--
(i) by striking `knowingly accesses' and inserting `having knowingly accessed';
(ii) by striking `exceeds' and inserting `exceeding';
(iii) by striking `obtains information' and inserting `having obtained information';
(iv) by striking `the intent or';
(v) by striking `is to be used' and inserting `could be used'; and
(vi) by inserting before the semicolon at the end the following: `willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it';

(B) in paragraph (2)--
   (i) by striking `obtains information' and inserting
   `obtains--
   `(A) information'; and
   (ii) by adding at the end the following new
   subparagraphs:
   `(B) information from any department or agency of the
United States; or
   `(C) information from any protected computer if the
conduct involved an interstate or foreign communication;';
   (C) in paragraph (3)--
   (i) by inserting `nonpublic' before `computer of a
   department or agency';
   (ii) by striking `adversely'; and
   (iii) by striking `the use of the Government's
   operation of such computer' and inserting `that use by
   or for the Government of the United States';
   (D) in paragraph (4)--
   (i) by striking `Federal interest' and inserting
   `protected'; and
   (ii) by inserting before the semicolon the following:
   `and the value of such use is not more than $5,000 in
   any 1-year period';
   (E) by striking paragraph (5) and inserting the following:
   `(5)(A) knowingly causes the transmission of a program,
information, code, or command, and as a result of such conduct,
intentionally causes damage without authorization, to a
protected computer;
   `(B) intentionally accesses a protected computer without
authorization, and as a result of such conduct, recklessly
causes damage; or
   `(C) intentionally accesses a protected computer without
authorization, and as a result of such conduct, causes
damage;'; and
   (F) by inserting after paragraph (6) the following new
   paragraph:
   `(7) with intent to extort from any person, firm,
association, educational institution, financial institution,
government entity, or other legal entity, any money or other
thing of value, transmits in interstate or foreign commerce any
communication containing any threat to cause damage to a
protected computer;';
   (2) in subsection (c)--

(A) in paragraph (1), by striking `such subsection' each place that term appears and inserting `this section';

(B) in paragraph (2)--

(i) in subparagraph (A)--

(I) by inserting `, (a)(5)(C),' after `(a)(3)'; and

(II) by striking `such subsection' and inserting `this section';

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting immediately after subparagraph (A) the following:

`(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(2), if--

`(i) the offense was committed for purposes of commercial advantage or private financial gain;

`(ii) the offense was committed in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

`(iii) the value of the information obtained exceeds $5,000;'; and

(iv) in subparagraph (C) (as redesignated)--

(I) by striking `such subsection' and inserting `this section'; and

(II) by adding `and' at the end;

(C) in paragraph (3)--

(i) in subparagraph (A)--

(I) by striking `(a)(4) or (a)(5)(A)' and inserting `(a)(4), (a)(5)(A), (a)(5)(B), or (a)(7)'; and

(II) by striking `such subsection' and inserting `this section'; and

(ii) in subparagraph (B)--

(I) by striking `(a)(4) or (a)(5)' and inserting `(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C), or (a)(7)'; and

(II) by striking `such subsection' and inserting `this section'; and

(D) by striking paragraph (4);

(3) in subsection (d), by inserting `subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of' before `this section.';

(4) in subsection (e)--

(A) in paragraph (2)--

(i) by striking `Federal interest' and inserting `protected';

(ii) in subparagraph (A), by striking `the use of the financial institution's operation or the Government's operation of such computer' and inserting `that use by or for the financial institution or the Government'; and

(iii) by striking subparagraph (B) and inserting the following:

`(B) which is used in interstate or foreign commerce or communication;';

(B) in paragraph (6), by striking `and' at the end;

(C) in paragraph (7), by striking the period at the end and inserting `; and'; and

(D) by adding at the end the following new paragraphs:

`(8) the term `damage' means any impairment to the integrity or availability of data, a program, a system, or information, that--

`(A) causes loss aggregating at least $5,000 in value during any 1-year period to one or more individuals;

`(B) modifies or impairs, or potentially modifies or impairs, the medical examination, diagnosis, treatment, or care of one or more individuals;

`(C) causes physical injury to any person; or

`(D) threatens public health or safety; and

`(9) the term `government entity' includes the Government of the United States, any State or political subdivision of the United States, any foreign country, and any state, province, municipality, or other political subdivision of a foreign country.'; and

(5) in subsection (g)--

(A) by striking `, other than a violation of subsection (a)(5)(B),'; and

(B) by striking `of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb)' and inserting `involving damage as defined in subsection (e)(8)(A)'.