

106TH CONGRESS
2D SESSION

S. 3083

To enhance privacy and the protection of the public in the use of computers and the Internet, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2000

Mr. LEAHY (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance privacy and the protection of the public in the use of computers and the Internet, and for other purposes.

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 “Enhancement of Pri-
5 vacy and Public Safety in Cyberspace Act”.

6 **SEC. 2. COMPUTER CRIME.**

7 (a) FRAUD AND RELATED ACTIVITY IN CONNECTION
8 WITH COMPUTERS.—

9 (1) OFFENSES.—Subsection (a) of section 1030
10 of title 18, United States Code, is amended—

1 (A) in paragraph (3), by striking “accesses
2 such a computer” and inserting “or in excess of
3 authorization to access any nonpublic computer
4 of a department or agency of the United States,
5 accesses a computer”; and

6 (B) in paragraph (7), by striking “, firm,
7 association, educational institution, financial in-
8 stitution, government entity, or other legal enti-
9 ty,”.

10 (2) ATTEMPTED OFFENSES.—Subsection (b) of
11 that section is amended by inserting before the pe-
12 riod the following: “as if such person had committed
13 the completed offense”.

14 (3) PUNISHMENT.—Subsection (c) of that sec-
15 tion is amended—

16 (A) in paragraph (1), by striking “, or an
17 attempt to commit an offense punishable under
18 this subparagraph” each place it appears in
19 subparagraphs (A) and (B);

20 (B) in paragraph (2)—

21 (i) by striking subparagraph (A) and
22 inserting the following new subparagraph
23 (A):

24 “(A) except as provided in subparagraphs (B)
25 and (C) of this subparagraph, a fine under this title

1 or imprisonment for not more than one year, or
2 both, in the case of an offense under subsection
3 (a)(2), (a)(3), (a)(5), or (a)(6) of this section which
4 does not occur after a conviction for another offense
5 under this section;”;

6 (ii) in subparagraph (B), by adding

7 “and” at the end; and

8 (iii) by striking subparagraph (C) and

9 inserting the following new subparagraph

10 (C):

11 “(C) a fine under this title or imprisonment for
12 not more than ten years, or both, in the case of an
13 offense under subsection (a)(5)(A) or (a)(5)(B) if
14 the offense caused (or, in the case of an attempted
15 offense, would, if completed, have caused)—

16 “(i) loss to one or more persons during any
17 one year period (including loss resulting from a
18 related course of conduct affecting one or more
19 other protected computers) aggregating at least
20 \$5,000;

21 “(ii) the modification or impairment, or
22 potential modification or impairment, of the
23 medical examination, diagnosis, treatment, or
24 care of one or more individuals;

25 “(iii) physical injury to any individual;

1 “(iv) a threat to public health or safety; or

2 “(v) damage affecting a computer system

3 used by or for a government entity in further-

4 ance of the administration of justice, national

5 defense, or national security;”;

6 (C) in paragraph (3)—

7 (i) by striking “(3)(A)” and inserting

8 “(3)”;

9 (ii) by striking “, (a)(5)(A),

10 (a)(5)(B),”;

11 (iii) by striking “, or an attempt to

12 commit an offense punishable under this

13 subparagraph;” and

14 (iv) by striking subparagraph (B);

15 and

16 (D) by adding at the end the following new

17 paragraph:

18 “(4) a fine under this title or imprisonment for

19 not more than ten years, or both, in the case of an

20 offense under subsection (a)(2), (a)(3), (a)(4),

21 (a)(5), (a)(6), or (a)(7) of this section which occurs

22 after a conviction for another offense under this sec-

23 tion.”.

1 (4) INVESTIGATIVE AUTHORITY OF UNITED
2 STATES SECRET SERVICE.—Subsection (d) of that
3 section is amended—

4 (A) in the first sentence, by striking “sub-
5 sections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4),
6 (a)(5), and (a)(6) of”; and

7 (B) in the second sentence, by striking
8 “which shall be entered into by” and inserting
9 “between”.

10 (5) DEFINITIONS.—Subsection (e) of that sec-
11 tion is amended—

12 (A) in paragraph (2)(B), by inserting be-
13 fore the semicolon the following: “, including a
14 computer located outside the United States”;

15 (B) in paragraph (7), by striking “and” at
16 the end;

17 (C) in paragraph (8), by striking “or infor-
18 mation,” and all that follows through the end of
19 the paragraph and inserting “or information;”;

20 (D) in paragraph (9), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (E) by adding at the end the following new
23 paragraphs:

24 “(10) the term ‘conviction for another offense
25 under this section’ includes—

1 “(A) an adjudication of juvenile delin-
2 quency for a violation of this section; and

3 “(B) a conviction under State law for a
4 crime punishable by imprisonment for more
5 than one year, an element of which is unauthor-
6 ized access, or exceeding authorized access, to a
7 computer;

8 “(11) the term ‘loss’ means any reasonable cost
9 to any victim, including responding to the offense,
10 conducting a damage assessment, restoring any
11 data, program, system, or information to its condi-
12 tion before the offense, and any revenue lost or costs
13 incurred because of interruption of service; and

14 “(12) the term ‘person’ includes any individual,
15 firm, association, educational institution, financial
16 institution, corporation, company, partnership, soci-
17 ety, government entity, or other legal entity.”.

18 (6) CIVIL ACTIONS.—Subsection (g) of that sec-
19 tion is amended to read as follows:

20 “(g) Any person who suffers damage or loss by rea-
21 son of a violation of this section may maintain a civil ac-
22 tion against the violator to obtain compensatory damages
23 and injunctive or other equitable relief. An action under
24 this subsection for a violation of subsection (a)(5) may be
25 brought only if the conduct involves one or more of the

1 factors set forth in subsection (c)(2)(C). No action may
2 be brought under this subsection unless such action is
3 begun within 2 years of the date of the act complained
4 of or the date of the discovery of the damage.”.

5 (7) FORFEITURE.—That section is further
6 amended—

7 (A) by redesignating subsection (h) as sub-
8 section (j); and

9 (B) by inserting after subsection (g), as
10 amended by paragraph (6) of this subsection,
11 the following new subsections (h) and (i):

12 “(h)(1) The court, in imposing sentence on any per-
13 son convicted of a violation of this section, shall order,
14 in addition to any other sentence imposed and irrespective
15 of any provision of State law, that such person forfeit to
16 the United States—

17 “(A) such person’s interest in any property,
18 whether real or personal, that was used or intended
19 to be used to commit or to facilitate the commission
20 of such violation; and

21 “(B) any property, whether real or personal,
22 constituting or derived from, any proceeds that such
23 person obtained, whether directly or indirectly, as a
24 result of such violation.

1 “(2) The criminal forfeiture of property under this
2 subsection, any seizure and disposition thereof, and any
3 administrative or judicial proceeding in relation thereto,
4 shall be governed by the provisions of section 413 of the
5 Comprehensive Drug Abuse Prevention and Control Act
6 of 1970 (21 U.S.C. 853), except subsection (d) of that
7 section.

8 “(i)(1) The following shall be subject to forfeiture to
9 the United States, and no property right shall exist in
10 them:

11 “(A) Any property, whether real or personal,
12 used or intended to be used to commit or to facili-
13 tate the commission of any violation of this section.

14 “(B) Any property, whether real or personal,
15 which constitutes or is derived from proceeds trace-
16 able to any violation of this section.

17 “(2) The provisions of chapter 46 of this title relating
18 to civil forfeiture shall apply to any seizure or civil for-
19 feiture under this subsection.”.

20 (b) AMENDMENTS TO SENTENCING GUIDELINES.—
21 Pursuant to its authority under section 994(p) of title 28,
22 United States Code, the United States Sentencing Com-
23 mission shall amend the sentencing guidelines to ensure
24 any individual convicted of a violation of paragraph (4)
25 or a felony violation of paragraph (5)(A), but not a felony

1 violation of paragraph (5)(B) or (5)(C), of section 1030(a)
2 of title 18, United States Code, is imprisoned for not less
3 than 6 months.

4 (c) COMMUNICATIONS MATTERS.—

5 (1) IN GENERAL.—Section 223(a)(1) of the
6 Communications Act of 1934 (47 U.S.C. 223(a)(1))
7 is amended—

8 (A) in subparagraphs (C) and (E), by in-
9 serting “or interactive computer service” after
10 “telecommunications device”;

11 (B) in subparagraph (D), by striking “or”
12 at the end; and

13 (C) by adding after subparagraph (E) the
14 following new subparagraph:

15 “(F) with the intent to cause the unavail-
16 ability of a telecommunications device or inter-
17 active computer service, or to cause damage to
18 a protected computer (as those terms are de-
19 fined in section 1030 of title 18, United States
20 Code), causes or attempts to cause one or more
21 other persons to initiate communication with
22 such telecommunications device, interactive
23 computer service, or protected computer; or”.

24 (2) CONFORMING AMENDMENT.—The section
25 heading of that section is amended by striking

1 **“TELEPHONE CALLS”** and inserting **“COM-**
2 **MUNICATIONS”**.

3 **SEC. 3. INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC**
4 **COMMUNICATIONS.**

5 (a) **DEFINITIONS.**—Section 2510 of title 18, United
6 States Code, is amended—

7 (1) in paragraph (1), by striking “electronic
8 storage” and inserting “interim storage”;

9 (2) in paragraph (10), by striking “section
10 153(h) of title 47 of the United States Code” and
11 inserting “section 3(10) of the Communications Act
12 of 1934 (47 U.S.C. 153(10))”;

13 (3) in paragraph (14)—

14 (A) by striking “of electronic” and insert-
15 ing “of wire or electronic”; and

16 (B) by striking “electronic storage” and
17 inserting “interim storage”; and

18 (4) in paragraph (17)—

19 (A) by striking “‘electronic storage’” and
20 inserting “‘interim storage’”; and

21 (B) in subparagraph (A), by inserting “by
22 an electronic communication service” after “in-
23 termediate storage”.

1 (b) PROHIBITION ON INTERCEPTION AND DISCLO-
2 SURE OF COMMUNICATIONS.—Section 2511 of that title
3 is amended—

4 (1) in subsection (2)—

5 (A) in paragraph (a)(i), by striking “on of-
6 ficer” and inserting “an officer”;

7 (B) in paragraph (f)—

8 (i) by inserting “or 206” after “chap-
9 ter 121”; and

10 (ii) by striking “wire and oral” and
11 inserting “wire, oral, and electronic”; and

12 (C) in paragraph (g), by striking clause (i)
13 and inserting the following new clause (i):

14 “(i) to intercept or access a wire or electronic
15 communication (other than a radio communication)
16 made through an electronic communications system
17 that is configured so that such communication is
18 readily accessible to the general public;” and

19 (2) in subsection (4)—

20 (A) in paragraph (a), by striking “in para-
21 graph (b) of this subsection or”;

22 (B) by striking paragraph (b); and

23 (C) by redesignating paragraph (c) as
24 paragraph (b).

1 (c) PROHIBITION ON USE OF EVIDENCE OF INTER-
2 CEPTED COMMUNICATIONS.—Section 2515 of that title is
3 amended—

4 (1) by striking “Whenever any wire or oral
5 communication” and inserting “(a) Except as pro-
6 vided in subsection (b), whenever any wire, oral, or
7 electronic communication”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) Subsection (a) shall not apply to the disclosure,
11 before a grand jury or in a criminal trial, hearing, or other
12 criminal proceeding, of the contents of a communication,
13 or evidence derived therefrom, against a person alleged to
14 have intercepted, used, or disclosed the communication in
15 violation of this chapter, or participated in such viola-
16 tion.”.

17 (d) AUTHORIZATION FOR INTERCEPTION OF COMMU-
18 NICATIONS.—Section 2516 of that title is amended—

19 (1) in subsection (1)—

20 (A) by striking “wire or oral” in the mat-
21 ter preceding paragraph (a) and inserting
22 “wire, oral, or electronic”;

23 (B) in paragraph (b), by inserting
24 “threat,” after “robbery,”;

1 (C) by striking the first paragraph (p) and
2 inserting the following new paragraph (p):

3 “(p) a felony violation of section 1030 of this
4 title (relating to computer fraud and abuse), a felony
5 violation of section 223 of the Communications Act
6 of 1934 (47 U.S.C. 223) (relating to abusive com-
7 munications in interstate or foreign commerce), or a
8 violation of section 1362 of this title (relating to de-
9 struction of government communications facilities);
10 or”; and

11 (D) by redesignating the second paragraph
12 (p) as paragraph (q); and

13 (2) in subsection (3), by striking “electronic
14 communications” and inserting “one-way pager com-
15 munications”.

16 (e) AUTHORIZATION FOR DISCLOSURE OR USE OF
17 INTERCEPTED COMMUNICATIONS.—Section 2517 of that
18 title is amended in subsections (1) and (2) by inserting
19 “or under the circumstances described in section 2515(b)
20 of this title” after “by any means authorized by this chap-
21 ter”.

22 (f) PROCEDURE FOR INTERCEPTION.—Section 2518
23 of that title is amended—

24 (1) in subsection (7), by striking “subsection
25 (d)” and inserting “subsection (8)(d)”; and

1 (2) in subsection (10)—

2 (A) in paragraph (a)—

3 (i) in the matter preceding subpara-
4 graph (i), by striking “wire or oral” and
5 inserting “wire, oral, or electronic”; and

6 (ii) in the flush matter following sub-
7 paragraph (iii)—

8 (I) by striking “intercepted wire
9 or oral communication” and inserting
10 “intercepted communication”; and

11 (II) by adding at the end the fol-
12 lowing new sentence: “No suppression
13 may be ordered under this paragraph
14 under the circumstances described in
15 section 2515(b) of this title.”; and

16 (B) by striking paragraph (c).

17 (g) CIVIL DAMAGES.—Section 2520(c)(2) of that title
18 is amended—

19 (1) in the matter preceding subparagraph (A)—

20 (A) by striking “court may” and inserting
21 “court shall”; and

22 (B) by striking “greater” and inserting
23 “greatest”;

24 (2) in subparagraph (A), by striking “or” at
25 the end;

1 (3) in subparagraph (B), by striking “whichever
2 is the greater of \$100 a day for each day of violation
3 or \$10,000.” and inserting “\$500 a day for each
4 day of violation; or”; and

5 (4) by adding at the end the following new sub-
6 paragraph:

7 “(C) statutory damages of \$10,000.”.

8 (h) CONFORMING AND CLERICAL AMENDMENTS.—

9 (1) CONFORMING AMENDMENT.—The section
10 heading of section 2515 of that title is amended to
11 read as follows:

12 **“§ 2515. Prohibition on use as evidence of intercepted**
13 **wire, oral, or electronic communica-**
14 **tions”.**

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 119 of that title
17 is amended by striking the item relating to section
18 2515 and inserting the following new item:

“2515. Prohibition on use as evidence of intercepted wire, oral, or electronic
communications.”.

19 **SEC. 4. ELECTRONIC COMMUNICATIONS PRIVACY.**

20 (a) UNLAWFUL ACCESS TO STORED COMMUNICA-
21 TIONS.—Section 2701 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a) by striking “electronic
24 storage” and inserting “interim storage”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by striking “purposes of” in the
4 matter preceding subparagraph (A) and in-
5 serting “a tortious or illegal purpose,”;

6 (ii) in subparagraph (A) by striking
7 “one year” and inserting “five years”; and

8 (iii) in subparagraph (B) by striking
9 “two years” and inserting “ten years”; and
10 (B) by striking paragraph (2) and insert-
11 ing the following new paragraph (2):

12 “(2) in any other case—

13 “(A) a fine under this title or imprison-
14 ment for not more than one year, or both, in
15 the case of a first offense under this subpara-
16 graph; and

17 “(B) a fine under this title or imprison-
18 ment for not more than five years, or both, for
19 any subsequent offense under this subpara-
20 graph.”.

21 (b) DISCLOSURE OF CONTENTS.—Section 2702 of
22 that title is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by striking “person or entity pro-
2 viding an” and inserting “provider of”;

3 (ii) by striking “electronic storage”
4 and inserting “interim storage”; and

5 (iii) by striking “and” at the end;

6 (B) in paragraph (2)—

7 (i) by striking “person or entity pro-
8 viding” and inserting “provider of”; and

9 (ii) striking the period at the end and
10 inserting “; and”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(3) a provider of remote computing service or
14 electronic communication service to the public shall
15 not knowingly divulge a record or other information
16 pertaining to a subscriber to or customer of such
17 service (not including the contents of communica-
18 tions covered by paragraph (1) or (2) of this sub-
19 section) to any governmental entity.”;

20 (2) in subsection (b)—

21 (A) in the subsection caption, by inserting
22 “FOR DISCLOSURE OF COMMUNICATIONS” after
23 “EXCEPTIONS”;

1 (B) in the matter preceding paragraph (1),
2 by striking “person or entity” and inserting
3 “provider described in subsection (a)”;

4 (C) in paragraph (6)—

5 (i) in subparagraph (A)(ii), by strik-
6 ing “or” at the end;

7 (ii) in subparagraph (B), by striking
8 the period at the end and inserting “; or”;
9 and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(C) if the provider reasonably believes
13 that an emergency involving immediate danger
14 of death or serious physical injury to any per-
15 son justifies disclosure of the information.”;
16 and

17 (3) by adding at the end the following new sub-
18 section:

19 “(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER
20 RECORDS.—A provider described in subsection (a) may di-
21 vulge a record or other information pertaining to a sub-
22 scriber to or customer of such service (not including the
23 contents of communications covered by paragraph (1) or
24 (2) of subsection (a))—

1 “(1) as otherwise authorized in section 2703 of
2 this title;

3 “(2) with the lawful consent of the customer or
4 subscriber;

5 “(3) as may be necessarily incident to the ren-
6 dition of the service or to the protection of the rights
7 or property of the provider of that service;

8 “(4) to a governmental entity, if the provider
9 reasonably believes that an emergency involving im-
10 mediate danger of death or serious physical injury to
11 any person justifies disclosure of the information; or

12 “(5) to any person other than a governmental
13 entity if not otherwise prohibited by law.”.

14 (c) REQUIREMENTS FOR GOVERNMENTAL ACCESS.—
15 Section 2703 of that title is amended—

16 (1) in subsection (a), by striking “electronic
17 storage” each place it appears and inserting “in-
18 terim storage”;

19 (2) in subsection (b)(1)(B), by striking clause
20 (i) and inserting the following new clause (i):

21 “(i) uses a Federal or State grand jury or
22 trial subpoena, or a subpoena or equivalent
23 process authorized by a Federal or State stat-
24 ute; or”;

25 (3) in subsection (c)—

1 (A) by redesignating paragraph (2) as
2 paragraph (3);

3 (B) by redesignating subparagraph (C) of
4 paragraph (1) as paragraph (2);

5 (C) in paragraph (2), as so redesignated—

6 (i) by striking “an administrative sub-
7 poena authorized by a Federal or State
8 statute or a Federal or State grand jury or
9 trial subpoena” and inserting “a Federal
10 or State grand jury or trial subpoena, or
11 a subpoena or equivalent process author-
12 ized by a Federal or State statute,”; and

13 (ii) by striking “subparagraph (B).”
14 and inserting “paragraph (1).”; and

15 (D) in paragraph (1)—

16 (i) by striking “(A) Except as pro-
17 vided in subparagraph (B),” and inserting
18 “A governmental entity may require”;

19 (ii) by striking “may disclose” and in-
20 serting “to disclose”;

21 (iii) by striking “to any person other
22 than a governmental entity.”;

23 (iv) by striking “(B) A provider of”
24 through “to a governmental entity”;

1 (v) by redesignating clauses (i)
2 through (iv) as subparagraphs (A) through
3 (D);

4 (vi) by striking “or” at the end of
5 subparagraph (C), as so redesignated;

6 (vii) by striking the period at the end
7 of subparagraph (D), as so redesignated,
8 and inserting “; or”; and

9 (viii) by adding after subparagraph
10 (D), as so redesignated, the following new
11 subparagraph:

12 “(E) seeks information pursuant to para-
13 graph (2).”; and

14 (4) in subsection (d)—

15 (A) by striking “subsection (c)” and in-
16 serting “subsection (c)(1)”; and

17 (B) by striking “section 3127(2)(A)” and
18 inserting “section 3127(2)”.

19 (d) DELAYED NOTICE.—Section 2705(a) of that title
20 is amended—

21 (1) in paragraph (1)(B), by striking “an admin-
22 istrative subpoena authorized by a Federal or State
23 statute or a Federal or State grand jury subpoena”
24 and inserting “a Federal or State grand jury or trial

1 subpoena, or a subpoena or equivalent process au-
 2 thorized by a Federal or State statute,”; and

3 (2) in paragraph (4), by striking “by the court”
 4 and all that follows through the end of the para-
 5 graph and inserting “, upon application, if the court
 6 determines that there is reason to believe that notifi-
 7 cation of the existence of the court order or sub-
 8 poena may have an adverse result described in para-
 9 graph (2) of this subsection.”.

10 (e) CIVIL ACTION.—Section 2707(e)(1) of that title
 11 is amended by inserting “a request of a governmental enti-
 12 ty under section 2703(f) of this title,” after “subpoena,”.

13 (f) CONFORMING AND CLERICAL AMENDMENTS.—

14 (1) CONFORMING AMENDMENTS.—(A) The sec-
 15 tion heading of section 2702 of that title is amended
 16 to read as follows:

17 “§ 2702. **Voluntary disclosure of customer commu-**
 18 **nications or records”.**

19 (B) The section heading of section 2703 of that
 20 title is amended to read as follows:

21 “§ 2703. **Required disclosure of customer commu-**
 22 **tions or records”.**

23 (2) CLERICAL AMENDMENT.—The table of sec-
 24 tions at the beginning of chapter 121 of that title
 25 is amended by striking the items relating to sections

1 2702 and 2703 and inserting the following new
2 items:

“2702. Voluntary disclosure of customer communications or records.
“2703. Required disclosure of customer communications or records.”.

3 **SEC. 5. PEN REGISTERS AND TRAP AND TRACE DEVICES.**

4 (a) GENERAL PROHIBITION ON USE.—Section
5 3121(c) of title 18, United States Code, is amended—

6 (1) by inserting “or trap and trace device”
7 after “pen register”;

8 (2) by inserting “, routing, addressing,” after
9 “dialing”; and

10 (3) by striking “call processing” and inserting
11 “the processing and transmitting of wire and elec-
12 tronic communications”.

13 (b) APPLICATION FOR ORDER.—Section 3122(b)(2)
14 of that title is amended by striking “certification by the
15 applicant” and inserting “statement of facts showing”.

16 (c) ISSUANCE OF ORDER.—Section 3123 of that title
17 is amended—

18 (1) by striking subsection (a) and inserting the
19 following new subsection (a):

20 “(a) IN GENERAL.—(1) Upon an application made
21 under section 3122(a)(1) of this title, the court shall enter
22 an ex parte order authorizing the installation and use of
23 a pen register or a trap and trace device if the court finds,
24 based on facts contained in the application, that the infor-

1 mation likely to be obtained by such installation and use
2 is relevant to an ongoing criminal investigation. Such
3 order shall, upon service of such order, apply to any entity
4 providing wire or electronic communication service in the
5 United States whose assistance may facilitate the execu-
6 tion of the order.

7 “(2) Upon an application made under section
8 3122(a)(2) of this title, the court shall enter an ex parte
9 order authorizing the installation and use of a pen register
10 or a trap and trace device within the jurisdiction of the
11 court if the court finds, based on facts contained in the
12 application, that the information likely to be obtained by
13 such installation and use is relevant to an ongoing crimi-
14 nal investigation.”;

15 (2) in subsection (b)(1)—

16 (A) in subparagraph (A)—

17 (i) by inserting “or other facility”
18 after “line”; and

19 (ii) by inserting “or applied” after
20 “attached”; and

21 (B) in subparagraph (C)—

22 (i) by striking “the number” and in-
23 sserting “the attributes of the communica-
24 tions to which the order applies, such as
25 the number or other identifier,”;

- 1 (ii) by striking “physical”;
- 2 (iii) by inserting “or other facility”
- 3 after “line”;
- 4 (iv) by inserting “or applied” after
- 5 “attached”; and
- 6 (v) by inserting “authorized under
- 7 subsection (a)(2) of this section” after “de-
- 8 vice” the second place it appears; and
- 9 (4) in subsection (d)(2)—
- 10 (A) by inserting “or other facility” after
- 11 “line”;
- 12 (B) by inserting “or applied” after “at-
- 13 tached”; and
- 14 (C) by striking “has been ordered by the
- 15 court” and inserting “is obligated by the
- 16 order”.
- 17 (d) EMERGENCY INSTALLATION.—Section
- 18 3125(a)(1) of that title is amended—
- 19 (1) in subparagraph (A), by striking “or” at
- 20 the end;
- 21 (2) in subparagraph (B), by striking the comma
- 22 at the end and inserting a semicolon; and
- 23 (3) by adding at the end the following new sub-
- 24 paragraphs:

1 “(C) an immediate threat to a national se-
2 curity interest; or

3 “(D) an ongoing attack on the integrity or
4 availability of a protected computer punishable
5 pursuant to section 1030(e)(2)(C) of this
6 title,”.

7 (e) DEFINITIONS.—Section 3127 of that title is
8 amended—

9 (1) in paragraph (2), by striking subparagraph
10 (A) and inserting the following new subparagraph
11 (A):

12 “(A) any district court of the United
13 States (including a magistrate judge of such a
14 court) or United States Court of Appeals hav-
15 ing jurisdiction over the offense being inves-
16 tigated; or”;

17 (2) in paragraph (3)—

18 (A) by striking “electronic or other im-
19 pulses which identify the numbers dialed or oth-
20 erwise transmitted on the telephone line to
21 which such device is attached” and inserting
22 “dialing, routing, addressing, and signaling in-
23 formation transmitted by an instrument or fa-
24 cility from which a wire or electronic commu-
25 nication is transmitted”; and

1 (B) by inserting “or process” after “de-
2 vice” each place it appears;

3 (3) in paragraph (4)—

4 (A) by inserting “or process” after “a de-
5 vice”; and

6 (B) by striking “of an instrument or device
7 from which a wire or electronic communication
8 was transmitted” and inserting “or other dial-
9 ing, routing, addressing, and signaling informa-
10 tion relevant to identifying the source of a wire
11 or electronic communication”;

12 (4) in paragraph (5), by striking “and” at the
13 end;

14 (5) in paragraph (6), by striking the period at
15 the end and inserting “; and”; and

16 (6) by adding at the end the following new
17 paragraph:

18 “(7) the term ‘protected computer’ has the
19 meaning given that term in section 1030(e) of this
20 title.”.

21 **SEC. 6. JUVENILE MATTERS.**

22 Section 5032 of title 18, United States Code, is
23 amended in the first undesignated paragraph by inserting
24 after “section 924(b), (g), or (h) of this title,” the fol-
25 lowing: “or is a violation of section 1030(a)(1), section

1 1030(a)(2)(B), section 1030(a)(3), or a felony violation of
 2 section 1030(a)(5) where such felony violation of section
 3 1030(a)(5) is eligible for punishment under section
 4 1030(c)(2)(C)(ii) through (v) of this title.”.

5 **SEC. 7. PROTECTION OF CABLE SERVICE SUBSCRIBER PRI-**
 6 **VACY.**

7 Section 631 of the Communications Act of 1934 (47
 8 U.S.C. 551) is amended—

9 (1) in subsection (c)(2)—

10 (A) in subparagraph (B), by striking “or”
 11 at the end;

12 (B) in subparagraph (C), by striking the
 13 period at the end and inserting “; or”; and

14 (C) by adding at the end the following new
 15 subparagraph:

16 “(D) required under chapter 119, 121, or
 17 206 of title 18, United States Code, except that
 18 disclosure under this subparagraph shall not in-
 19 clude records revealing customer cable television
 20 viewing activity.”; and

21 (2) in subsection (h), by striking “A govern-
 22 mental entity” and inserting “Except as provided in
 23 subsection (c)(2)(D), a governmental entity”.

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