

107TH CONGRESS  
1ST SESSION

# S. 1568

To prevent cyberterrorism.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2001

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prevent cyberterrorism.

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 “Cyberterrorism Pre-  
5 vention Act of 2001”.

6 **SEC. 2. DETERRENCE AND PREVENTION OF**  
7 **CYBERTERRORISM IN CONNECTION WITH**  
8 **COMPUTERS.**

9 (A) CLARIFICATION OF PROTECTION OF PROTECTED  
10 COMPUTERS.—Subsection (a)(5) of section 1030 of title  
11 18, United States Code, is amended—

12 (1) by inserting “(i)” after “(A)”;

1           (2) by redesignated subparagraphs (B) and (C)  
2 as clauses (ii) and (iii), respectively, of subparagraph  
3 (A);

4           (3) by adding “and” at the end of clause (iii),  
5 as so redesignated; and

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

8           “(B) whose conduct described in clause (i), (ii),  
9 or (iii) of subparagraph (A) caused (or, in the case  
10 of an attempted offense, would, if completed, have  
11 caused)—

12           “(i) loss to 1 or more persons during any  
13 1-year period (including loss resulting from a  
14 related course of conduct affecting 1 or more  
15 other protected computers) aggregating at least  
16 \$5,000 in value;

17           “(ii) the modification or impairment, or  
18 potential modification or impairment, of the  
19 medical examination, diagnosis, treatment, or  
20 care of 1 or more individuals;

21           “(iii) physical injury to any person;

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

23           “(v) damage affecting a computer system  
24 used by or for a government entity in further-

1           ance of the administration of justice, national  
2           defense, or national security;”.

3           (b) PROTECTION FROM EXTORTION.—Subsection  
4 (a)(7) of that section is amended by striking “, firm, asso-  
5 ciation, educational institution, financial institution, gov-  
6 ernmental entity, or other legal entity,”.

7           (c) PENALTIES.—Subsection (c) of that section is  
8 amended—

9           (1) in paragraph (2)—

10           (A) in subparagraph (A)—

11           (i) by inserting “except as provided in  
12           subparagraph (B),” before “a fine”;

13           (ii) by striking “(a)(5)(C)” and in-  
14           serting “(a)(5)(A)(iii)”; and

15           (iii) by striking “and” at the end;

16           (B) in subparagraph (B), by inserting “or  
17           an attempt to commit an offense punishable  
18           under this subparagraph,” after “subsection  
19           (a)(2),” in the matter preceding cause (i); and

20           (C) in paragraph (C), by striking “and” at  
21           the end;

22           (2) in paragraph (3)—

23           (A) by striking “, (a)(5)(A), (a)(5)(B),”  
24           both places it appears; and

1 (B) by striking “(a)(5)(C)” and inserting  
2 “(a)(5)(A)(iii)”;

3 (3) by adding at the end the following new  
4 paragraph:

5 “(4)(A) a fine under this title, imprisonment  
6 for not more than 10 years, or both, in the case of  
7 an offense under subsection (a)(5)(A)(i), or an at-  
8 tempt to commit an offense punishable under this  
9 subparagraph;

10 “(B) a fine under this title, imprisonment for  
11 not more than 5 years, or both, in the case of an  
12 offense under subsection (a)(5)(A)(ii), or an attempt  
13 to commit an offense punishable under this subpara-  
14 graph; and

15 “(C) a fine under this title, imprisonment for  
16 not more than 20 years, or both, in the case of an  
17 offense under subsection (a)(5)(A)(i) or  
18 (a)(5)(A)(ii), or an attempt to commit an offense  
19 punishable under this subparagraph, that occurs  
20 after a conviction for another offense under this sec-  
21 tion.”.

22 (d) DEFINITIONS.—Subsection (e) of that section is  
23 amended—

24 (1) in paragraph (2)(B), by inserting “, includ-  
25 ing a computer located outside the United States

1 that is used in a manner that affects interstate or  
2 foreign commerce or communication of the United  
3 States” before the semicolon;

4 (2) in paragraph (7), by striking “and” at the  
5 end;

6 (3) by striking paragraph (8) and inserting the  
7 following new paragraph (8):

8 “(8) the term ‘damage’ means any impairment  
9 to the integrity or availability of data, a program, a  
10 system, or information;”

11 (4) in paragraph (9), by striking the period at  
12 the end and inserting a semicolon; and

13 (5) by adding at the end the following new  
14 paragraphs:

15 “(10) the term ‘conviction’ shall include a con-  
16 viction under the law of any State for a crime pun-  
17 ishable by imprisonment for more than 1 year, an  
18 element of which is unauthorized access, or exceed-  
19 ing authorized access, to a computer;

20 “(11) the term ‘loss’ means any reasonable cost  
21 to any victim, including the cost of responding to an  
22 offense, conducting a damage assessment, and re-  
23 storing the data, program, system, or information to  
24 its condition prior to the offense, and any revenue

1 lost, cost incurred, or other consequential damages  
2 incurred because of interruption of service; and

3 “(12) the term ‘person’ means any individual,  
4 firm, corporation, educational institution, financial  
5 institution, governmental entity, or legal or other en-  
6 tity.”.

7 (e) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of  
8 that section is amended—

9 (1) by striking the second sentence and insert-  
10 ing the following new sentences: “A suit for a viola-  
11 tion of this section may be brought only if the con-  
12 duct involves one of the factors enumerated in  
13 clauses (i) through (v) of subsection (a)(5)(B). Dam-  
14 ages for a violation involving only conduct described  
15 in subsection (a)(5)(B)(i) are limited to economic  
16 damages.”; and

17 (2) by adding at the end the following new sen-  
18 tence: “No action may be brought under this sub-  
19 section for the negligent design or manufacture of  
20 computer hardware, computer software, or  
21 firmware.”.

1 **SEC. 3. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELAT-**  
2 **ING TO PRESERVING RECORDS IN RESPONSE**  
3 **TO GOVERNMENT REQUESTS.**

4 Section 2707(e)(1) of title 18, United States Code,  
5 is amended by inserting after “or statutory authorization”  
6 the following: “(including a request of a governmental en-  
7 tity under section 2703(f) of this title)”.

8 **SEC. 4. DEVELOPMENT AND SUPPORT OF CYBER SECURITY**  
9 **FORENSIC ACTIVITIES.**

10 (a) The Director of the Federal Bureau of Investiga-  
11 tion shall, in consultation with the heads of other Federal  
12 law enforcement agencies, take appropriate actions to de-  
13 velop at least 10 regional computer forensic laboratories,  
14 and to provide support, education, and assistance for ex-  
15 isting computer forensic laboratories, in order that such  
16 computer forensic laboratories have the capability—

17 (1) to provide forensic examinations with re-  
18 spect to seized or intercepted computer evidence re-  
19 lating to criminal activity;

20 (2) to provide training and education for Fed-  
21 eral, State, and local law enforcement personnel and  
22 prosecutors regarding investigations, forensic anal-  
23 yses, and prosecutions of computer-related crime;

24 (3) to assist Federal, State, and local law en-  
25 forcement in enforcing Federal, State, and local  
26 criminal laws relating to computer-related crime;

1           (4) to facilitate and promote the sharing of  
2       Federal law enforcement expertise and information  
3       about the investigation, analysis, and prosecution of  
4       computer-related crime with State and local law en-  
5       forcement personnel and prosecutors, including the  
6       use of multijurisdictional task forces; and

7           (5) to carry out such other activities as the At-  
8       torney General considers appropriate.

9       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
10      hereby authorized to be appropriated in each fiscal year  
11      \$50,000,000 for purposes of carrying out this section.  
12      Amounts appropriated pursuant to this paragraph shall  
13      remain available until expended.

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