As a general rule, conduct which is illegal under section 105 of the Communications Act would also be illegal under this bill. These supplemental sanctions are particularly important where an unauthorized interception is made for direct or indirect financial gain. This bill is designed to help put an end to such conduct.

The exception to the general rule is that we do not provide liability for the noncommercial private viewing of uncoded network feeds to affiliated stations by the owners of home satellite dishes. Accountability for that conduct will be determined solely under section 705 of the Communications Act. The private viewing of any other video transmissions not otherwise excepted by section 705(b) could be subject to action under both the Communications Act and this legislation.

Mr. DANFORTH. So although the proposed legislation which amends title 18 of the United States Code replaces, for specified conduct, the penalty structure of the Electronic Communications Privacy Act as introduced, and substitutes a scheme of public and private remedies under title 18, am I correct that conduct prohibited by the Communications Act will continue to be governed by that Act?

Mr. MATHIAS. That is correct. Conduct which is not prohibited by the Electronic Communications Privacy Act, but which is prohibited by the Communications Act, still will be subject to the full range of remedies and penalties under the Communications Act.

Mr. DANFORTH. I thank the distinguished Senator for this clarification.

Mr. DOLE. Mr. President, has the Leahy substitute been adopted?

Mr. MATHIAS. The PRESIDING OFFICER. No, it has not. Is there further debate? If not the question is on agreeing to the amendment. The amendment (No. 3107) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time. The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4952), as amended, was passed.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

REFFERAL OF S. 2575

Mr. DOLE. Mr. President, I ask unanimous consent that once the Judiciary Committee reports S. 2575, Electronic Communication Privacy Act, it be referred to the Commerce Committee for a period of 24 hours. And at the end of that time, the committee be discharged, and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPUTER FRAUD AND ABUSE ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar 883, S. 2281, the Computer Fraud and Abuse Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2281) to amend title XVIII, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers and further amend title 18, United States Code, as amended by striking out "; or having accessed" and all that follows through "exceeds authorized access" in lieu thereof.

(a) Offenses.—Section 1030(a)(1) of title 18, United States Code, is amended by adding after paragraph (2) the following:

"(3) intentionally, without authorization to access any computer of a department or agency of the United States, accesses a computer of that department or agency that is operated for or on behalf of the Government of the United States or, in the case of a computer not exclusively for such use, is used by or for the Government of the United States and such conduct affects the use of the Government's operation of such computer;"

(b) Modification of Authorized Access.—Section 1030(a)(2) of title 18, United States Code, is amended by striking out "contains" and all that follows through "explained" in lieu thereof.

(c) Modification of Authorized Access.—Section 1030(a)(2) of title 18, United States Code, is amended by striking out "contains" and all that follows through "explained" in lieu thereof.

(d) Modification of Penalties.—Section 1030(a)(3) of title 18, United States Code, is amended by striking out "knowingly" and inserting "intentionally" in lieu thereof.

(e) Elimination of Section Specific Conduct.—Section 1030(a)(4) of title 18, United States Code, is amended by striking out "contains" and all that follows through "explained" in lieu thereof.

(f) Penalty Amendments.—Section 1030 of title 18, United States Code, is amended by—

(1) by striking out "knowingly" and inserting "intentionally" in lieu thereof;

(2) by striking out "has obtained" and all that follows through "prevented" in lieu thereof.

As a general rule, conduct which is illegal under section 105 of the Communications Act would also be illegal under this bill. These supplemental sanctions are particularly important where an unauthorized interception is made for direct or indirect financial gain. This bill is designed to help put an end to such conduct.

The exception to the general rule is that we do not provide liability for the noncommercial private viewing of uncoded network feeds to affiliated stations by the owners of home satellite dishes. Accountability for that conduct will be determined solely under section 705 of the Communications Act. The private viewing of any other video transmissions not otherwise excepted by section 705(b) could be subject to action under both the Communications Act and this legislation.

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The bill (H.R. 4952), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.