MEMORANDUM FOR FRED F. FIELDING
FROM: JOHN G. ROBERTS
SUBJECT: Computer Crime Legislation
H.R. 5112

Assistant Attorney General McConnell has asked for your assistance in expediting OMB clearance of Justice's proposed "Federal Computer Systems Protection Act of 1984." According to McConnell, Congressman Hughes plans to move computer crime legislation through Congress this year, and will mark up his own bill on April 26 unless the Administration submits its bill before that date.

The Justice proposal (attached) would add new sections to Title 18, making it a felony to knowingly devise or intend to devise a scheme to defraud, obtain money by false pretenses, or embezzle and to access or attempt to access certain computers in connection with the scheme. The computers covered by the bill are those owned by, contracted to, or operated for the U.S. Government or a federally-insured financial institution, or those operating in interstate commerce. The bill authorizes a penalty of up to five years imprisonment and/or a fine of up to $50,000 or double the amount derived from the crime, whichever is greater. The bill also proscribes damage to covered computers or computer programs, and for a violation of this provision authorizes the additional penalty of forfeiture of the computer used to commit the crime. This additional penalty is designed to deter the junior high school computer whizzes who break into the Los Alamos computers and do such things as change the targets on all our nuclear missles to various points in New Jersey.

McConnell submitted the Justice proposal to OMB on March 16, 1984, so OMB can hardly be accused at this point of inordinate delay in clearing the bill. Nonetheless, in light of the imminence of action on this topic in Congress, McConnell would like to have the package cleared by April 20. I have reviewed Justice's proposed bill and have no objections. The attached draft memorandum for Jim Murr notes that we have no objection to the bill and also nudges OMB to expedite clearance.

Attachment