

114TH CONGRESS
1ST SESSION

H. R. 1918

To amend title 18, United States Code, to provide for clarification as to the meaning of access without authorization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2015

Ms. LOFGREN (for herself, Mr. SENSENBRENNER, Mr. POLIS, Mr. LIPINSKI, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. O’ROURKE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for clarification as to the meaning of access without authorization, 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 “Aaron’s Law Act of
5 2015”.

1 **SEC. 2. CLARIFYING THAT “ACCESS WITHOUT AUTHORIZA-**
2 **TION” UNDER SECTION 1030 OF TITLE 18,**
3 **UNITED STATES CODE, MEANS CIRCUMVEN-**
4 **TION OF TECHNOLOGICAL BARRIERS IN**
5 **ORDER TO GAIN UNAUTHORIZED ACCESS.**

6 (a) IN GENERAL.—Section 1030(e)(6) of title 18,
7 United States Code, is amended by—

8 (1) striking “exceeds authorized access” and all
9 that follows; and

10 (2) inserting the following: “‘access without au-
11 thorization’ means—

12 “(A) to obtain information on a protected
13 computer;

14 “(B) that the accesser lacks authorization
15 to obtain; and

16 “(C) by knowingly circumventing one or
17 more technological or physical measures that
18 are designed to exclude or prevent unauthorized
19 individuals from obtaining that information;”.

20 (b) CONFORMING AMENDMENT.—Section 1030 of
21 title 18, United States Code, is amended—

22 (1) in subsection (d)(10), by striking “unau-
23 thorized access, or exceeding authorized access, to
24 a” and inserting “access without authorization of a
25 protected”; and

1 (2) by striking “exceeds authorized access”
 2 each place it appears.

3 **SEC. 3. ELIMINATING REDUNDANCY.**

4 (a) REPEAL.—Section 1030(a) of title 18, United
 5 States Code, is amended—

6 (1) by striking paragraph (4); and

7 (2) by redesignating paragraphs (5), (6), and
 8 (7) as paragraphs (4), (5), and (6), respectively.

9 (b) CONFORMING AMENDMENTS.—Section 1030 of
 10 title 18, United States Code, is amended—

11 (1) in subsection (c)—

12 (A) in paragraph (2), by striking “(a)(6)”
 13 each place it appears and inserting “(a)(5)”;
 14 and

15 (B) in paragraph (3)—

16 (i) in subparagraph (A), by striking
 17 “subsection (a)(4) or (a)(7)” and inserting
 18 “subsection (a)(6)”; and

19 (ii) in subparagraph (B), by striking
 20 “subsection (a)(4), or (a)(7)” and insert-
 21 ing “subsection (a)(6)”; and

22 (C) in paragraph (4)—

23 (i) in subparagraph (A)(i), in the mat-
 24 ter preceding clause (i), by striking “sub-

1 section (a)(5)(B)” and inserting “sub-
 2 section (a)(4)(B)”;

3 (ii) in subparagraph (B)(i), by strik-
 4 ing “subsection (a)(5)(A)” and inserting
 5 “subsection (a)(4)(A)”;

6 (iii) in subparagraph (C)(i), by strik-
 7 ing “subsection (a)(5)” and inserting “sub-
 8 section (a)(4)”;

9 (iv) in subparagraph (D)(i), by strik-
 10 ing “subsection (a)(5)(C)” and inserting
 11 “subsection (a)(4)(C)”;

12 (v) in subparagraph (E), by striking
 13 “subsection (a)(5)(A)” and inserting “sub-
 14 section (a)(4)(A)”;

15 (vi) in subparagraph (F), by striking
 16 “subsection (a)(5)(A)” and inserting “sub-
 17 section (a)(4)(A)”;

18 (vii) in subparagraph (G)(i), by strik-
 19 ing “subsection (a)(5)” and inserting “sub-
 20 section (a)(4)”;

21 (2) in subsection (h), by striking “subsection
 22 (a)(5)” and inserting “subsection (a)(4)”.

23 **SEC. 4. MAKING PENALTIES PROPORTIONAL TO CRIMES.**

24 (a) Section 1030(c)(2) of title 18, United States
 25 Code, is amended—

1 (1) in subparagraph (A)—

2 (A) by striking “conviction for another”
3 and inserting “subsequent”; and

4 (B) by inserting “such” after “attempt to
5 commit”;

6 (2) in subparagraph (B)(i), by inserting after
7 “financial gain” the following: “and the fair market
8 value of the information obtained exceeds \$5,000”;

9 (3) in subparagraph (B)(ii), by striking “the of-
10 fense was committed” and all that follows through
11 the semicolon, and inserting the following: “the of-
12 fense was committed in furtherance of any criminal
13 act in violation of the Constitution or laws of the
14 United States or of any State punishable by a term
15 of imprisonment greater than one year, unless such
16 criminal acts are prohibited by this section or such
17 State violation would be based solely on accessing in-
18 formation without authorization.”;

19 (4) in subparagraph (B)(iii), by inserting “fair
20 market” before “value”; and

21 (5) in subparagraph (C)—

22 (A) by striking “conviction for another”
23 and inserting “subsequent”; and

- 1 (B) by inserting “such” after “attempt to
- 2 commit”.

