

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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

24 (B) by inserting “such” after “attempt to  
25 commit”.