[DISCUSSION DRAFT]

JANUARY 15, 2013

113TH CONGRESS
1ST SESSION

H. R. _____

To amend title 18, United States Code, to exclude certain violations of agreements or contractual obligations, relating to Internet service, from the purview of certain criminal prohibitions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

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Ms. LOFGREN introduced the following bill; which was referred to the Committee on _____

_____

A BILL

To amend title 18, United States Code, to exclude certain violations of agreements or contractual obligations, relating to Internet service, from the purview of certain criminal prohibitions, 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 "_____ Act

5 of 2013".

SEC. 2. ELIMINATION OF CERTAIN VIOLATIONS OF AGREE-MENTS OR CONTRACTUAL OBLIGATIONS, RE-LATING TO INTERNET SERVICE, FROM THE PURVIEW OF CERTAIN CRIMINAL PROHIBI-TIONS.

(a) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.—Section 1030(e)(6) of title 18, United States Code, is amended by striking "alter;" and inserting the following: "alter, but does not include access in violation of an agreement or contractual obligation, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;".

(b) FRAUD BY WIRE, RADIO, OR TELEVISION.—Section 1343 of title 18, United States Code, is amended by inserting after the first sentence the following: "A violation of an agreement or contractual obligation regarding Internet or computer use, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or employer is not in itself a violation of this section.".