

114TH CONGRESS
1ST SESSION

H. R. 2277

To prohibit employers from compelling or coercing any person to authorize access to a protected computer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2015

Mr. PERLMUTTER (for himself, Mr. WELCH, Mr. RUSH, Mr. GRIJALVA, Mr. RANGEL, Mr. TONKO, Mrs. CAPPS, and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit employers from compelling or coercing any person to authorize access to a protected computer, 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 “Password Protection
5 Act of 2015”.

6 **SEC. 2. PROHIBITED ACTIVITY.**

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

1 (1) in paragraph (7)(C), by inserting “or” after
2 the semicolon; and

3 (2) by inserting after paragraph (7)(C) the fol-
4 lowing:

5 “(8) acting as an employer, knowingly and in-
6 tentionally—

7 “(A) for the purposes of employing, pro-
8 moting, or terminating employment, compels or
9 coerces any person to authorize access, such as
10 by providing a password or similar information
11 through which a computer may be accessed, to
12 a protected computer that is not the employer’s
13 protected computer, and thereby obtains infor-
14 mation from such protected computer; or

15 “(B) discharges, disciplines, discriminates
16 against in any manner, or threatens to take any
17 such action against, any person—

18 “(i) for failing to authorize access de-
19 scribed in subparagraph (A) to a protected
20 computer that is not the employer’s pro-
21 tected computer; or

22 “(ii) who has filed any complaint or
23 instituted or caused to be instituted any
24 proceeding under or related to this para-

1 graph, or has testified or is about to testify
2 in any such proceeding;”.

3 (b) FINE.—Section 1030(c) of title 18, United States
4 Code, is amended—

5 (1) in paragraph (4)(G)(ii), by striking the pe-
6 riod at the end and inserting “; and”; and

7 (2) by adding at the end the following:

8 “(5) a fine under this title, in the case of an
9 offense under subsection (a)(8) or an attempt to
10 commit an offense punishable under this para-
11 graph.”.

12 (c) DEFINITIONS.—Section 1030(e) of title 18,
13 United States Code, is amended—

14 (1) in paragraph (11), by striking “and” after
15 the semicolon;

16 (2) in paragraph (12), by striking the period
17 and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(13) the term ‘employee’ means an employee,
20 as such term is defined in section 201(2) of the Ge-
21 netic Nondiscrimination Act of 2008 (42 U.S.C.
22 2000ff(2));

23 “(14) the term ‘employer’ means an employer,
24 as such term is defined in such section 201(2); and

1 “(15) the term ‘employer’s protected computer’
2 means a protected computer of the employer, includ-
3 ing any protected computer owned, operated, or oth-
4 erwise controlled by, for, or on behalf of that em-
5 ployer.”.

6 (d) EXCEPTIONS.—Section 1030(f) of title 18,
7 United States Code, is amended—

8 (1) by striking “(f) This” and inserting “(f)(1)
9 This”; and

10 (2) by adding at the end the following:

11 “(2)(A) Nothing in subsection (a)(8) shall be
12 construed to limit the authority of a court of com-
13 petent jurisdiction to grant equitable relief in a civil
14 action, if the court determines that there are specific
15 and articulable facts showing that there are reason-
16 able grounds to believe that the information sought
17 to be obtained is relevant and material to protecting
18 the intellectual property, a trade secret, or confiden-
19 tial business information of the party seeking the re-
20 lief.

21 “(B) Notwithstanding subsection (a)(8), the
22 prohibition in such subsection shall not apply to an
23 employer’s actions if—

24 “(i) the employer discharges or other-
25 wise disciplines an individual for good

1 cause and an activity protected under sub-
2 section (a)(8) is not a motivating factor for
3 the discharge or discipline of the indi-
4 vidual;

5 “(ii) the employer is complying with
6 the requirements of Federal or State law,
7 rule or regulation, or a rule of a self-regu-
8 latory organization, as defined in section
9 3(a)(26) of the Securities and Exchange
10 Act of 1934 (15 U.S.C. 78c(a)(26)), appli-
11 cable to brokers, dealers and investment
12 advisers;

13 “(iii) a State enacts a law that specifi-
14 cally waives subsection (a)(8) with respect
15 to a particular class of State government
16 employees or employees who work with in-
17 dividuals under 13 years of age, and the
18 employer’s action relates to an employee in
19 such class; or

20 “(iv) an Executive agency (as defined
21 in section 105 of title 5), a military depart-
22 ment (as defined in section 102 of such
23 title), or any other entity within the execu-
24 tive branch that comes into the possession
25 of classified information, including the De-

1 fense Intelligence Agency, National Secu-
2 rity Agency, and National Reconnaissance
3 Office, specifically waives subsection (a)(8)
4 with respect to a particular class of em-
5 ployees requiring eligibility for access to
6 classified information under Executive
7 Order 12968 (60 Fed. Reg. 40245), or any
8 successor thereto, and the employer's ac-
9 tion relates to an employee in such class.".

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