

Union Calendar No. 95

110TH CONGRESS
1ST SESSION

H. R. 1525

[Report No. 110-159]

To amend title 18, United States Code, to discourage spyware, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2007

Ms. ZOE LOFGREN of California (for herself, Mr. GOODLATTE, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 21, 2007

Additional sponsor: Mr. FORBES

MAY 21, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 14, 2007]

A BILL

To amend title 18, United States Code, to discourage spyware, 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Internet Spyware (I-*
3 *SPY) Prevention Act of 2007”.*

4 **SEC. 2. PENALTIES FOR CERTAIN UNAUTHORIZED ACTIVI-**
5 **TIES RELATING TO COMPUTERS.**

6 *(a) IN GENERAL.—Chapter 47 of title 18, United*
7 *States Code, is amended by inserting after section 1030 the*
8 *following:*

9 **“§ 1030A. Illicit indirect use of protected computers**

10 *“(a) Whoever intentionally accesses a protected com-*
11 *puter without authorization, or exceeds authorized access to*
12 *a protected computer, by causing a computer program or*
13 *code to be copied onto the protected computer, and inten-*
14 *tionally uses that program or code in furtherance of another*
15 *Federal criminal offense shall be fined under this title or*
16 *imprisoned not more than 5 years, or both.*

17 *“(b) Whoever intentionally accesses a protected com-*
18 *puter without authorization, or exceeds authorized access to*
19 *a protected computer, by causing a computer program or*
20 *code to be copied onto the protected computer, and by means*
21 *of that program or code—*

22 *“(1) intentionally obtains, or transmits to an-*
23 *other, personal information with the intent to defraud*
24 *or injure a person or cause damage to a protected*
25 *computer; or*

1 “(2) intentionally impairs the security protec-
2 tion of the protected computer with the intent to de-
3 fraud or injure a person or damage a protected com-
4 puter;
5 shall be fined under this title or imprisoned not more than
6 2 years, or both.

7 “(c) No person may bring a civil action under the law
8 of any State if such action is premised in whole or in part
9 upon the defendant’s violating this section. For the purposes
10 of this subsection, the term ‘State’ includes the District of
11 Columbia, Puerto Rico, and any other territory or posses-
12 sion of the United States.

13 “(d) As used in this section—

14 “(1) the terms ‘protected computer’ and ‘exceeds
15 authorized access’ have, respectively, the meanings
16 given those terms in section 1030; and

17 “(2) the term ‘personal information’ means—

18 “(A) a first and last name;

19 “(B) a home or other physical address, in-
20 cluding street name;

21 “(C) an electronic mail address;

22 “(D) a telephone number;

23 “(E) a Social Security number, tax identi-
24 fication number, drivers license number, pass-

1 port number, or any other government-issued
2 identification number; or

3 “(F) a credit card or bank account number
4 or any password or access code associated with
5 a credit card or bank account.

6 “(e) This section does not prohibit any lawfully au-
7 thorized investigative, protective, or intelligence activity of
8 a law enforcement agency of the United States, a State, or
9 a political subdivision of a State, or of an intelligence agen-
10 cy of the United States.”.

11 (b) *CLERICAL AMENDMENT.*—The table of sections at
12 the beginning of chapter 47 of title 18, United States Code,
13 is amended by inserting after the item relating to section
14 1030 the following new item:

 “1030A. *Illicit indirect use of protected computers.*”.

15 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

16 *In addition to any other sums otherwise authorized to*
17 *be appropriated for this purpose, there are authorized to*
18 *be appropriated for each of fiscal years 2008 through 2011,*
19 *the sum of \$10,000,000 to the Attorney General for prosecu-*
20 *tions needed to discourage the use of spyware and the prac-*
21 *tices commonly called phishing and pharming.*

22 **SEC. 4. FINDINGS AND SENSE OF CONGRESS CONCERNING**
23 **THE ENFORCEMENT OF CERTAIN**
24 **CYBERCRIMES.**

25 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) *Software and electronic communications are*
2 *increasingly being used by criminals to invade indi-*
3 *viduals' and businesses' computers without authoriza-*
4 *tion.*

5 (2) *Two particularly egregious types of such*
6 *schemes are the use of spyware and phishing scams.*

7 (3) *These schemes are often used to obtain per-*
8 *sonal information, such as bank account and credit*
9 *card numbers, which can then be used as a means to*
10 *commit other types of theft.*

11 (4) *In addition to the devastating damage that*
12 *these heinous activities can inflict on individuals and*
13 *businesses, they also undermine the confidence that*
14 *citizens have in using the Internet.*

15 (5) *The continued development of innovative*
16 *technologies in response to consumer demand is cru-*
17 *cial in the fight against spyware.*

18 (b) *SENSE OF CONGRESS.—Because of the serious na-*
19 *ture of these offenses, and the Internet's unique importance*
20 *in the daily lives of citizens and in interstate commerce,*
21 *it is the sense of Congress that the Department of Justice*
22 *should use the amendments made by this Act, and all other*
23 *available tools, vigorously to prosecute those who use*
24 *spyware to commit crimes and those that conduct phishing*
25 *and pharming scams.*

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