

[109H744]

.....  
(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

# H. R.

---

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

---

## IN THE HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California (for herself and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on

---

---

# 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) IN GENERAL.—Chapter 47 of title 18, is amended  
4 by inserting after section 1030 the following:

5 **“§ 1030A. Illicit indirect use of protected computers**

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

13 “(b) Whoever intentionally accesses a protected com-  
14 puter without authorization, or exceeds authorized access  
15 to a protected computer, by causing a computer program  
16 or code to be copied onto the protected computer, and by  
17 means of that program or code—

18 “(1) intentionally obtains, or transmits to an-  
19 other, personal information with the intent to de-  
20 fraud or injure a person or cause damage to a pro-  
21 tected computer; or

22 “(2) intentionally impairs the security protec-  
23 tion of the protected computer with the intent to de-  
24 fraud or injure a person or damage a protected com-  
25 puter;

1 shall be fined under this title or imprisoned not more than  
2 2 years, or both.

3 “(c) No person may bring a civil action under the  
4 law of any State if such action is premised in whole or  
5 in part upon the defendant’s violating this section. For  
6 the purposes of this subsection, the term ‘State’ includes  
7 the District of Columbia, Puerto Rico, and any other terri-  
8 tory or possession of the United States.

9 “(d) As used in this section—

10 “(1) the terms ‘protected computer’ and ‘ex-  
11 ceeds authorized access’ have, respectively, the  
12 meanings given those terms in section 1030; and

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

14 “(A) a first and last name;

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

17 “(C) an electronic mail address;

18 “(D) a telephone number;

19 “(E) a Social Security number, tax identi-  
20 fication number, drivers license number, pass-  
21 port number, or any other government-issued  
22 identification number; or

23 “(F) a credit card or bank account number  
24 or any password or access code associated with  
25 a credit card or bank account.

1           “(e) This section does not prohibit any lawfully au-  
2 thORIZED investigative, protective, or intelligence activity of  
3 a law enforcement agency of the United States, a State,  
4 or a political subdivision of a State, or of an intelligence  
5 agency of the United States.”.

6           (b) CONFORMING AMENDMENT.—The table of sec-  
7 tions at the beginning of chapter 47 of title 18, is amended  
8 by inserting after the item relating to section 1030 the  
9 following new item:

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

10 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

11           In addition to any other sums otherwise authorized  
12 to be appropriated for this purpose, there are authorized  
13 to be appropriated for each of fiscal years 2008 through  
14 2011, the sum of \$10,000,000 to the Attorney General  
15 for prosecutions needed to discourage the use of spyware  
16 and the practices commonly called phishing and pharming.

17 **SEC. 4. FINDINGS AND SENSE OF CONGRESS CONCERNING**

18                           **THE       ENFORCEMENT       OF       CERTAIN**  
19                           **CYBERCRIMES.**

20           (a) FINDINGS.—Congress makes the following find-  
21 ings:

22                   (1) Software and electronic communications are  
23 increasingly being used by criminals to invade indi-  
24 viduals’ and businesses’ computers without author-  
25 ization.

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

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

7           (4) In addition to the devastating damage that  
8 these heinous activities can inflict on individuals and  
9 businesses, they also undermine the confidence that  
10 citizens have in using the Internet.

11           (5) The continued development of innovative  
12 technologies in response to consumer demand is cru-  
13 cial in the fight against spyware.

14       (b) SENSE OF CONGRESS.—Because of the serious  
15 nature of these offenses, and the Internet's unique impor-  
16 tance in the daily lives of citizens and in interstate com-  
17 merce, it is the sense of Congress that the Department  
18 of Justice should use the amendments made by this Act,  
19 and all other available tools, vigorously to prosecute those  
20 who use spyware to commit crimes and those that conduct  
21 phishing and pharming scams.