

Summary of the Internet Spyware (I-SPY) Prevention Act

This legislation addresses the most egregious activities that are conducted via spyware and makes those activities criminal offenses.

Section 2 would make the following criminal offenses:

(a) Intentionally accessing a computer without authorization, or intentionally exceeding authorized access, by causing a computer program or code to be copied onto the computer and using that program or code in furtherance of another federal criminal offense. This conduct would be punishable by fine or imprisonment for up to 5 years.

(b) Intentionally accessing a computer without authorization, or intentionally exceeding authorized access, by causing a computer program or code to be copied onto the computer and using that program or code to:

- (1) Intentionally obtain or transmit to another “personal information” with the intent to defraud or injure a person or damage a computer
- (2) Intentionally impair the security protections of a computer with the intent to defraud or injure a person or damage a computer

This conduct would be punishable by fine or imprisonment for up to 2 years.

(c) Preemption language – would prevent the bringing of a civil action under the law of any State if such action is premised in whole or in part on the defendant’s violating this Act.

(d) “Personal Information” is defined as: (A) a first and last name, (B) a home or other physical address, including street name, (C) an electronic mail address, (D) a telephone number, (E) a Social Security number, tax identification number, driver’s license number, passport number, or any other government-issued identification number, or (F) a credit card or bank account number or any password or access code associated with a credit card or bank account.

(e) Specifies that lawful law enforcement activities are not prohibited by the bill. This is the same language currently in the federal computer crimes statute (18 U.S.C. sec. 1030).

Section 3 authorizes \$10 million for each of the Fiscal Years 2008, 2009, 2010, and 2011 to be devoted to prosecutions needed to discourage the use of spyware, phishing, and pharming scams.

Section 4 makes certain findings and expresses a Sense of Congress.

(a) Enumerates certain findings regarding the purveyance and ramifications of spyware and phishing scams and the fact that technological solutions are crucial in the fight against spyware.

(b) Expresses the Sense of Congress that the Department of Justice should vigorously enforce the laws against spyware violations and phishing and pharming scams.