

Chairman Dingell at the Committee on Energy and Commerce Markup on H.R. 964, the "Securely Protect Yourself Against Cyber Trespass"

Statement of Congressman John D. Dingell, Chairman
Committee on Energy and Commerce

COMMITTEE ON ENERGY AND COMMERCE MARKUP ON
H.R. 964, THE "SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS" OR "SPY ACT", AND
H.R. 948, THE "SOCIAL SECURITY NUMBER PROTECTION ACT OF 2007"
May 10, 2007

This afternoon we will consider two important consumer protection bills, H.R. 964, the "Securely Protect Yourself Against Cyber Trespass" or the "Spy Act", and H.R. 948, the "Social Security Number Protection Act". I am proud to say that I am an original cosponsor of both.

Identity theft is a scourge on the American consumer. It exacts a heavy financial toll on individuals and on businesses. These two bipartisan bills strike a blow against this problem in a fair and balanced manner.

First, the Spy Act protects users of the Internet from unknowing transmission of their personal information through spyware programs surreptitiously placed on their computers. These programs electronically watch you surf the Web, plague you with pop-up ads, cripple your hard drive, steal the passwords to your financial accounts, and hijack your computer to unwanted, often obscene, Web sites.

H.R. 964 provides relief from many of the aggravating and deceptive problems experienced by consumers. Section 2 of the Spy Act prohibits the most commonly known deceptive spyware and adware acts and practices, while Section 3 prohibits collection of personal information from a computer without notice and consent, and requires that the spyware be identified and easily removed and disabled. The Federal Trade Commission (FTC) is the designated enforcer of the Spy Act.

The Act preempts State spyware laws in order to create a strong and consistent national standard. The ability of State Attorneys General to enforce their mini-FTC acts and consumer protection laws against spyware, however, is preserved. There are a number of carefully drawn exemptions to facilitate law enforcement, national security, network security, fraud detection, and similar purposes.

I commend the lead sponsors of the Spy Act, Reps. Towns and Bono, for their outstanding work on this bill. A number of improvements were made to the bill at Subcommittee markup, following careful, bipartisan consideration of comments from the FTC, consumer groups, and industry stakeholders. Chairman Rush will offer another en bloc amendment at today's markup, representing further bipartisan refinements to the legislation.

I urge my colleagues to support the Manager's Amendment, and to support the amended bill, and favorably report it to the House. Similar legislation passed the House in both the 108th and 109th Congresses by overwhelming votes.

The second bill we will consider today is H.R. 948, the "Social Security Number Protection Act of 2007".

Social Security numbers have many beneficial uses in both the public and private sectors. By virtue of "mission creep," they have become our National identifier. By virtue of the Internet, they have become available for purchase and sale to all manner of thieves and rogues with nefarious purposes.

The Social Security Number Protection Act seeks to address this serious problem by making it illegal to purchase or sell Social Security numbers in a manner that violates FTC rules designed, among other purposes, to assure that the numbers are not used to facilitate fraud, deception, or crime. The Act contains a number of carefully drawn exemptions for legitimate purposes such as law enforcement, national security, and public health or safety, and credit verification. The Act preempts similar State laws, and provides for State AG enforcement.

I commend the lead sponsors, Reps. Markey and Barton, for their great work on this bill. I understand that Chairman Rush will offer an en bloc amendment of bipartisan changes to improve the bill, again after careful consideration of comments from the FTC and industry stakeholders. I urge my colleagues to support the Manager=s Amendment, to support the amended bill, and to report it favorably to the House.

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