

House Approves Energy and Commerce Bill H.R. 964, "Spy Act"

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NEWS RELEASE

Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

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Contact: Jodi Seth or Carrie Annand / 202-225-5735

House Approves Energy and Commerce Bill H.R. 964, "Spy Act";
Bill Prohibits the Installation of Software onto Computers without Consumers' Knowledge and Consent

Washington, D.C. — The U.S. House of Representatives today voted to enact H.R. 964, also known as the "Spy Act", by a vote of 368-48. The legislation, sponsored by Rep. Edolphus Towns (D-NY) and Rep. Mary Bono (R-CA), originated with the Commerce, Trade and Consumer Protection Subcommittee, and aims to combat software programs that invade personal computers, often without the knowledge or consent of the consumer. Spyware collects highly personal information such as Web searches, documents, credit card numbers and passwords.

"This is an important and all too necessary piece of legislation that will help protect Internet users from identity theft, property damage and great annoyance caused by spyware programs," said Rep. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce.

The Spy Act prohibits unfair or deceptive behavior such as key-stroke logging, computer hijacking, phishing, and the display of advertisements that cannot be closed. The bill also requires software distributors and advertisers to clearly notify and obtain consent from consumers before installing information collection programs and applications. Offenders could be assessed a substantial monetary fine up to \$3 million for each unfair or deceptive spyware act or practice and up to \$1 million for each violation regarding the collection of personal information without notice and consent. There are ample exemptions for legitimate business activities.

"H.R. 964 provides a broad regulatory framework that empowers consumers with knowledge and the ability to control what software is installed and is not installed on their personal computers," said Rep. Bobby Rush (D-IL), Chairman of the Subcommittee on Commerce, Trade and Consumer Protection and manager of the bill. "This bill is the work-product of deliberative, bi-partisan cooperation and has been thoroughly honed to be effective without being overbearing."

"There is no debate that Spyware is a serious problem. These programs can invade your privacy by recording and transmitting personal information, monitoring the websites you visit or even steal documents from your computer. Spyware software usually impairs the functionality of a computer, often slowing its operation to a grinding halt. This is the primary reason Representative Mary Bono and I crafted this legislation," said Rep. Towns.

The bill will now go to the Senate for consideration.

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Prepared by the Committee on Energy and Commerce

2125 Rayburn House Office Building, Washington, DC 20515