

Mr. SCOTT of Virginia: Mr. Speaker, I rise in support of H.R. 1525, the Internet Spyware (I-SPY) Prevention Act of 2007. I would like to commend Congresswoman *Lofgren* and Congressman *Goodlatte* for developing the legislation and moving the bill on a bipartisan basis. Earlier this month the Subcommittee on Crime, Terrorism, and Homeland Security held a hearing and markup on the bill and reported it favorably to the full committee.

The bill amends title 18, U.S. Code, to impose criminal penalties on those who use spyware to perpetrate identity theft and numerous other privacy intrusions on innocent Internet users. The bill also provides resources and guidance to the Department of Justice for the prosecution of these offenses.

The bill is narrowly aimed at the practices of using ``spyware" and ``phishing" to harm consumers. Recent studies estimate that 80 percent of computers are infected with some form of spyware and that 89 percent of consumers are unaware of the fact that they have spyware. The greatest security and privacy challenges posed by spyware relate to technologies such as keystroke logging programs that capture a user's passwords, Social Security, or account numbers. This information can then be redirected for criminal purposes including fraud, larceny, identity theft, or other cyber crimes.

This bill combats spyware by clarifying that it is a crime, punishable for up to 5 years in prison, to intentionally access a computer without authorization by causing a computer program or code to be copied onto a computer and then using that program or code in furtherance of another Federal criminal offense. The bill also provides fines or imprisonment up to 2 years for anyone who, through means of that program or code, intentionally obtains, or transmits to another, personal information with the intent to defraud or injure a person.

The bill also authorizes funds to combat ``phishing." Phishing is a general term for using what appears to others to be either the Web site of, or e-mails from, well-known, legitimate businesses in an attempt to deceive Internet users into revealing their personal information. Phishing is adequately covered by the criminal code under existing Federal wire fraud or identity theft statutes, but additional funds are needed to prosecute the crime. This bill would authorize \$10 million for each of the fiscal years 2008-2011 to combat phishing and spyware.

I would also like to note that the Energy and Commerce Committee is considering a bill on this subject as well. But that bill lacks the criminal penalty enforcement mechanism in this bill and in its place imposes a regulatory scheme which focuses on the uses of technology rather than the perpetrators of crimes. My concern is such a regulatory regime may unavoidably sweep in legitimate uses of the technology.

The I-SPY Prevention Act is a strong bill that protects consumers by providing criminal penalties for egregious behavior. Accordingly, I urge my colleagues to support this legislation.