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House OKs Bill Imposing 'Spyware' Fines

By The Associated Press

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WASHINGTON (AP) – Companies and others that secretly install “spyware” programs on people’s computers to quietly monitor their Internet activities would face hefty federal fines under a bill the House passed Tuesday.

The most egregious behaviors ascribed to the category of such software – secretly recording a person’s computer keystrokes or mouse clicks – are already illegal under U.S. wiretap and consumer protection laws.

The House proposal, known as the “Spy Act,” adds civil penalties over what has emerged as an extraordinary frustration for Internet users, whose infected computers often turn sluggish and perform unexpectedly.

The bill, sponsored by Rep. Mary Bono, R-Calif., provides guidelines for technology companies that distribute software capable of most types of electronic monitoring. It requires that consumers explicitly choose to install such software and agree to the information being collected.

The House voted 399-1 to approve the bill. Rep. Ron Paul, R-Texas, who often votes against spending measures, cast the lone dissenting vote Tuesday.

The House separately was expected to approve another anti-spyware bill as early as Wednesday. That bill, sponsored by Rep. Robert Goodlatte, R-Va., provides for additional criminal penalties.

The chairman of the Energy and Commerce Committee, Rep. Joe Barton, R-Texas, said Goodlatte’s anti-spyware bill was preferable because of its criminal sanctions, and Barton said he will work to combine both proposals for a final vote by year’s end.

Barton acknowledged that experts had recently found more than 60 varieties of spyware installed on the panel’s own computers. He said all the spyware programs had been installed without the permission of computer users.

The committee's ranking Democrat, Rep. Jan Schakowsky of Illinois, called the proposal approved Tuesday "a bill whose time has come."

"People are increasingly finding their home pages have been changed or their computers are sluggish," she said. "Their computers are no longer their own, and they can't figure out why."

The House bill approved Tuesday explicitly permits snooping software built by the FBI or spy agencies secretly collecting information under a court order or other legal permissions affecting federal departments.

The bill's bans against spyware would begin 12 months after it becomes law and would automatically expire after 2009.

The House bill approved Tuesday is H.R. 2929; the bill expected to pass as early as Wednesday is H.R. 4661.

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