

S 1004

Enhanced Consumer Protection Against Spyware Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: May 11, 2005

Current Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

Latest Action: Read twice and referred to the Committee on Commerce, Science, and Transportation. (May 11, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/1004>

Sponsor

Name: Sen. Allen, George [R-VA]

Party: Republican • **State:** VA • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Ensign, John [R-NV]	R · NV		May 11, 2005
Sen. Smith, Gordon H. [R-OR]	R · OR		May 11, 2005
Sen. Sununu, John E. [R-NH]	R · NH		Jul 11, 2005
Sen. Enzi, Michael B. [R-WY]	R · WY		Sep 7, 2005
Sen. DeMint, Jim [R-SC]	R · SC		Oct 26, 2005

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	May 11, 2005

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Enhanced Consumer Protection Against Spyware Act of 2005 - Expresses the sense of Congress that: (1) combating spyware should be established as a matter of high priority for Federal Trade Commission (FTC) action; and (2) the resources and tools available to the FTC should be enhanced and expanded to increase the breadth and strength of the FTC's spyware enforcement efforts.

Declares that it is a violation of the Federal Trade Commission Act (FTCA) to install through deceptive acts or practices software on protected computers.

Subjects such practices to: (1) enforcement as a proscribed unfair or deceptive act or practice; (2) triple the penalty amounts prescribed in the FTCA; and (3) FTC authority to order disgorgement and seizure of ill-gotten gains.

Preempts state and local law or remedies.

Denies a private right of action in either federal or state court.

Authorizes state Attorneys General to bring enforcement actions in federal court. Prohibits state Attorneys General from bringing an action under this Act if either the U.S. Attorney General or the FTC institutes an enforcement action.

Specifies federal and state law enforcement, investigatory, national security, and regulatory activities exempt from liability under this Act.

Extends the meaning of unfair or deceptive acts or practices subject to FTC enforcement to any such acts or practices involving foreign commerce that cause or are likely to cause reasonably foreseeable injury, or involve material conduct occurring, within the United States.

Amends the federal criminal code to prescribe criminal penalties for illicit indirect use of protected computers.

Actions Timeline

- **May 11, 2005:** Introduced in Senate
- **May 11, 2005:** Read twice and referred to the Committee on Commerce, Science, and Transportation.