

S 1608

U.S. SAFE WEB Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Jul 29, 2005

Current Status: Became Public Law No: 109-455.

Latest Action: Became Public Law No: 109-455. (Dec 22, 2006)

Law: 109-455 (Enacted Dec 22, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/1608>

Sponsor

Name: Sen. Smith, Gordon H. [R-OR]

Party: Republican • State: OR • Chamber: Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jul 29, 2005
Sen. McCain, John [R-AZ]	R · AZ		Jul 29, 2005
Sen. Nelson, Bill [D-FL]	D · FL		Jul 29, 2005
Sen. Burns, Conrad R. [R-MT]	R · MT		Dec 15, 2005
Sen. Dorgan, Byron L. [D-ND]	D · ND		Dec 15, 2005
Sen. Pryor, Mark L. [D-AR]	D · AR		Dec 15, 2005
Sen. Stevens, Ted [R-AK]	R · AK		Dec 8, 2006

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Mar 14, 2006
Energy and Commerce Committee	House	Referred to	Apr 19, 2006

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
109 S 4110	Related bill	Dec 8, 2006: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 673.

Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers Beyond Borders Act of 2006 or the U.S. SAFE WEB Act of 2006 - (Sec. 3) Amends the Federal Trade Commission Act to include within the definition of "unfair or deceptive acts or practices" those acts or practices involving foreign commerce that: (1) cause or are likely to cause reasonably foreseeable injury within the United States; or (2) involve material conduct occurring within the United States. Declares that remedies available to the Federal Trade Commission (FTC) for such unfair and deceptive acts or practices include restitution to domestic or foreign victims.

(Sec. 4) Authorizes the FTC to disclose certain privileged or confidential information to foreign law enforcement agencies.

Authorizes the FTC, upon written request, to provide investigative assistance to a foreign law enforcement agency that states it is investigating or enforcing proceedings against violations of laws prohibiting fraudulent or deceptive commercial practices or other practices substantially similar to practices prohibited by laws administered by the FTC, other than federal antitrust laws, without requiring that the conduct identified constitute a violation of U.S. laws. Requires FTC consideration of specified factors in determining whether to provide assistance, including whether the requesting agency has agreed to provide reciprocal assistance to the FTC. Authorizes the FTC to negotiate and conclude an international agreement for providing such assistance, materials, or information. Stipulates that this Act does not authorize the FTC to take any action or exercise any power with respect to a bank, savings and loan institution, or federal credit union. Prohibits FTC investigative assistance to foreign law enforcement agencies from foreign states which repeatedly provided support for acts of international terrorism.

Directs the FTC to: (1) transmit to the Attorney General evidence of a violation of federal criminal law by any domestic or foreign person, partnership, or corporation; and (2) ensure, with respect to memoranda of understanding and international agreements, that material obtained from foreign law enforcement agencies may be used for investigation, prosecution, or prevention of U.S. criminal law violations.

(Sec. 5) Authorizes the FTC to designate its attorneys to assist the Attorney General with litigation in foreign courts and to reimburse the Attorney General for the retention of foreign counsel for such litigation on matters in which the FTC has an interest.

(Sec. 6) Specifies conditions under which an FTC-designated custodian is authorized to share certain compelled or confidential material with foreign law enforcement agencies that certify that the material will be maintained in confidence and will be used only for official law enforcement purposes. Exempts from public disclosure requirements of the Freedom of Information Act any material received by the FTC from foreign sources in the course of an investigation.

(Sec. 7) Declares the FTC subject to the Right to Financial Privacy Act, but specifies: (1) conditions relating to procedures for delay of notification or prohibition of disclosure of information obtained in connection with compulsory process where the recipient is not a subject of the investigation; (2) venue and procedures for ex parte proceedings; and (3) inapplicability to an investigation or proceeding related to the administration of federal or foreign antitrust laws. Declares that recipients of compulsory process issued by the FTC are not liable under U.S. law for failure to provide notice to persons that such process has been issued or that such recipients provided information, if neither notification nor delayed notification by the FTC is required under the Right to Financial Privacy Act.

(Sec. 8) Shields from liability: (1) voluntary providers of material the provider believes is relevant to an unfair or deceptive act or practice or to assets subject to recovery by the FTC, including assets located in foreign jurisdictions; and (2) certain

financial institutions, foreign and domestic, for making voluntary disclosures to the FTC of consumer complaints or violations of law or regulations, including regarding assets located in foreign jurisdictions.

(Sec. 9) Authorizes the FTC to: (1) retain employees of foreign government agencies on a temporary basis; (2) detail FTC employees to work for foreign agencies; (3) under the Right to Financial Privacy Act of 1978, share information with specified financial and market regulators; and (4) accept payment from a domestic or foreign law enforcement agency for FTC expenses and unconditional gifts, donations, bequests of property, and voluntary services.

(Sec. 13) Terminates the effect of this Act and its amendments seven years after enactment of this Act.

(Sec. 14) Requires the FTC to report to Congress on its actions under this act and recommendations for additional legislation.

Actions Timeline

- **Dec 22, 2006:** Signed by President.
- **Dec 22, 2006:** Signed by President.
- **Dec 22, 2006:** Became Public Law No: 109-455.
- **Dec 22, 2006:** Became Public Law No: 109-455.
- **Dec 20, 2006:** Presented to President.
- **Dec 20, 2006:** Presented to President.
- **Dec 9, 2006:** Committee on Energy and Commerce discharged.
- **Dec 9, 2006:** Committee on Energy and Commerce discharged.
- **Dec 9, 2006:** Mr. Barton (TX) asked unanimous consent to discharge from committee and consider.
- **Dec 9, 2006:** Considered by unanimous consent. (consideration: CR 12/8/2006 H9275-9282; text of measure as referred in House: CR 12/8/2006 H9275-9278)
- **Dec 9, 2006:** Passed/agreed to in House: On passage Passed without objection.
- **Dec 9, 2006:** On passage Passed without objection.
- **Dec 9, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 9, 2006:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Dec 9, 2006:** Resolving differences -- Senate actions: Senate agreed to House amendment by Unanimous Consent.(consideration: CR 12/8/2006 S11841-11844; text as Senate agreed to House amendment: CR 12/8/2006 S11841-11844)
- **Dec 9, 2006:** Senate agreed to House amendment by Unanimous Consent. (consideration: CR 12/8/2006 S11841-11844; text as Senate agreed to House amendment: CR 12/8/2006 S11841-11844)
- **Apr 19, 2006:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Mar 28, 2006:** Received in the House.
- **Mar 28, 2006:** Referred to the House Committee on Energy and Commerce.
- **Mar 17, 2006:** Message on Senate action sent to the House.
- **Mar 16, 2006:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S2389-2392; text as passed Senate: CR S2389-2392)
- **Mar 16, 2006:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S2389-2392; text as passed Senate: CR S2389-2392)
- **Mar 14, 2006:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens without amendment. With written report No. 109-219.
- **Mar 14, 2006:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens without amendment. With written report No. 109-219.
- **Mar 14, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 372.
- **Dec 15, 2005:** Committee on Commerce, Science, and Transportation. Ordered to be reported without amendment favorably.
- **Jul 29, 2005:** Introduced in Senate
- **Jul 29, 2005:** Sponsor introductory remarks on measure. (CR S9533)
- **Jul 29, 2005:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S9533-9537)