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Conversation: Spyware Bill Won't Work  
Subject: Spyware Bill Won't Work

Everything spyware does is already illegal (Computer Fraud and Abuse Act). The problem is that the companies get around it by having the computer users click agreement to a EULA which nullifies the laws. Any anti-spyware bill will have the same weakness. The real fix to the spyware problem is to regulate what can and cannot be done with software EULAs.

The spyware situation is one of the worst cases of EULA misuse, but there are others. I have a paper on the subject if you are interested.