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CYBERCRIME SURVEY

In 2005, the Senate Foreign Relations Committee recommended ratification of the Council of Europe Convention on Cybercrime. The Convention requires that signatories criminalize certain activities, such as hacking and child pornography, while stiffening criminal liability for other intellectual property-related violations. It also expands the powers of law enforcement to compel internet service providers to monitor user content. The bill was opposed by the privacy community, endorsed by software companies, and received broad support from Senate Foreign Relations Committee. The recommended ratification of the Convention is arguably symbolic, however, as U.S. law already includes many of the treaty's provisions. The one provision that would have the most impact, and has drawn the most criticism, requires that signatories to the treaty offer "mutual assistance" in the prosecution of cybercrimes; essentially, it requires that domestic law enforcement agencies offer assistance in the prosecution of cybercrimes committed in other signatory countries. The Convention is now waiting for approval from the entire Senate.

The Department of Homeland Security (DHS) has also started taking the threat of cybercrime more seriously. A new position was recently created within DHS, the Assistant Secretary of Cyber Security and Telecommunications, to oversee DHS's effort to address ongoing cyber threats. This appointment follows in the shadow of a 2003 report titled "National Strategy to Secure Cyberspace," which detailed the possible threats faced by United States, and how the private and public sectors might combat those threats. The new Assistant Secretary will be working closely with the United States Computer Emergency Readiness Team (US-CERT), a partnership between DHS and private businesses which was created in 2003 and "charged with protecting [the] nation's Internet infrastructure by coordinating defense against and response to cyber attacks."

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