

Appendix A

Unlawful Online Conduct and Applicable Federal Laws

The chart below details the type of unlawful online conduct, potentially applicable federal laws, and the section of the Department of Justice with subject-matter expertise. If the subject matter expert is not a section of the Department, but rather another agency, the entry will have an asterisk following its initials.

In many cases, prosecutors may also consider whether the conduct at issue is a violation of 18 U.S.C. § 2 (aiding and abetting) or 18 U.S.C. § 371 (conspiracy).

Unlawful Conduct	Applicable Federal Law	DOJ Section
Denial of Service Attacks	18 U.S.C. § 1030(a)(5)(A) (transmission of program, information, code, or command, resulting in damage)	CCIPS
	18 U.S.C. § 1362 (interfering with government communication systems)	CCIPS
Substitution or Redirection of a website	18 U.S.C. § 1030(a)(5)(A)(i) (transmission of program, information, code, or command, resulting in damage)	CCIPS
	18 U.S.C. § 1030(a)(5)(A)(ii)-(iii) (accessing a computer without authorization, resulting in damage)	CCIPS
Use of Misleading Domain Name	18 U.S.C. § 2252B (using misleading domain name with intent to deceive a person into viewing obscene material or with intent to deceive a minor into viewing harmful material)	CEOS

Unlawful Conduct	Applicable Federal Law	DOJ Section
Extortion	18 U.S.C. § 1030(a)(7) (transmitting, with intent to extort, communication containing threat to cause damage)	CCIPS
	18 U.S.C. § 875(b), (d) (transmitting, with intent to extort, threat to kidnap or harm a person, or threat to injure a person's property or harm a reputation) (Hobbs Act)	CTS
	18 U.S.C. § 1951 (interfering with commerce by robbery, extortion, threats or violence)	DSS
Internet Fraud (e.g., auction fraud or "phishing")	18 U.S.C. § 1030(a)(4) (accessing a computer to defraud and obtain something of value)	CCIPS
	18 U.S.C. § 1028 (fraud in connection with identification documents and authentication features)	Fraud
	18 U.S.C. § 1028A (aggravated identity theft)	Fraud
	18 U.S.C. § 1343 (wire fraud)	Fraud
	18 U.S.C. §§ 1956, 1957 (money laundering)	AFMLS
	18 U.S.C. § 1001 (making false statements in any matter within the jurisdiction of the government)	Fraud
	15 U.S.C. § 45 (unfair or deceptive trade practices)	*FTC
	15 U.S.C. § 52 (false advertising)	*FTC
	15 U.S.C. § 6821 (fraudulent access to financial information)	*FTC/Fraud

Unlawful Conduct	Applicable Federal Law	DOJ Section
Credit Card Fraud	18 U.S.C. § 1030(a)(2)(A) (accessing a computer and obtaining information from a financial institution, card issuer or consumer reporting agency)	CCIPS
	18 U.S.C. § 1029 (access device fraud)	Fraud/CCIPS
	15 U.S.C. § 1644 (credit card fraud aggregating at least \$1,000)	Fraud
	18 U.S.C. § 1343 (wire fraud)	Fraud
Password Fraud	18 U.S.C. § 1030(a)(6) (trafficking in computer passwords)	CCIPS
	18 U.S.C. § 1029 (access device fraud)	Fraud/CCIPS
	18 U.S.C. § 1343 (wire fraud)	Fraud
Child Pornography, Child Luring, and Related Activities	18 U.S.C. §§ 2251, 2252, 2252A (sexual exploitation of children)	CEOS
	18 U.S.C. § 2423 (transportation of minors or travel with intent to engage in illicit sexual conduct)	CEOS
	18 U.S.C. § 1466A (obscene visual representations of the sexual abuse of children)	CEOS
Obscenity	47 U.S.C. § 223(a)(1)(A) (using telecommunications device to make, create, or solicit, and transmit any obscene comment, request, suggestion, proposal, image, or other communication)	CEOS
	18 U.S.C. § 1465 (using interactive computer service for purpose of sale or distribution of obscene material)	CEOS

Unlawful Conduct	Applicable Federal Law	DOJ Section
Sale of Prescription Drugs and Controlled Substances	15 U.S.C. § 45 (unfair or deceptive trade practices)	*FTC
	15 U.S.C. § 52 (false advertising)	*FTC
	18 U.S.C. § 545 (smuggling goods into the United States)	Fraud/AFMLS
	18 U.S.C. § 1343 (wire fraud)	Fraud
	21 U.S.C. §§ 301 et seq. (Federal Food, Drug, and Cosmetic Act)	*FDA
	21 U.S.C. §§ 822, 829, 841, 863, 951-71 (Drug Abuse Prevention and Control)	Fraud/NDDS
	18 U.S.C. § 2320 (trafficking in counterfeit goods or services)	CCIPS
Sale of Firearms	18 U.S.C. § 922 (unlawful sale of firearms)	DSS
Gambling	15 U.S.C. §§ 3001 et seq. (Interstate Horseracing Act)	OCRS
	18 U.S.C. § 1084 (use of wire communication facility to transmit bets or wagering information)	OCRS
	18 U.S.C. § 1301 (importing or transporting lottery tickets)	OCRS/AFMLS
	18 U.S.C. § 1952 (use of facilities in interstate or foreign commerce to aid in racketeering enterprises)	OCRS
	18 U.S.C. § 1953 (interstate transportation of wagering paraphernalia)	OCRS
	18 U.S.C. § 1955 (conducting, financing, managing, supervising, directing, or owning an illegal gambling business)	OCRS/AFMLS
	28 U.S.C. § 3701 et seq. (Professional and Amateur Sports Protection Act)	OCRS/AFMLS

Unlawful Conduct	Applicable Federal Law	DOJ Section
Sale of Alcohol	18 U.S.C. §§ 1261 et seq. (transportation of liquor into state prohibiting sale; shipping liquor without required marks and labels on package)	OCRS/Treasury
	27 U.S.C. §§ 122, 204 (interstate shipping of alcohol)	OCRS/Treasury
Securities Fraud	15 U.S.C. §§ 77e, 77j, 77q, 77x, 78i, 78j, 78l, 78o, 78ff (securities fraud)	Fraud/SEC
	18 U.S.C. § 1343 (wire fraud)	Fraud/CCIPS
Piracy and Intellectual Property Theft	17 U.S.C. §§ 1201-1205 (Digital Millennium Copyright Act)	CCIPS
	18 U.S.C. § 545 (smuggling goods into the United States)	AFMLS
	18 U.S.C. §§ 1831, 1832 (theft of trade secrets)	CES/CCIPS
	18 U.S.C. § 2318 (trafficking in counterfeit labels)	CCIPS
	17 U.S.C. § 506 and 18 U.S.C. § 2319 (criminal copyright infringement)	CCIPS
	18 U.S.C. § 2319A (trafficking in recordings of live musical performances)	CCIPS
	18 U.S.C. § 2320 (trafficking in counterfeit goods or services)	CCIPS
	47 U.S.C. § 553 (unauthorized reception of cable service)	Fraud
	18 U.S.C. § 1343 (wire fraud)	Fraud

Unlawful Conduct	Applicable Federal Law	DOJ Section
Trade Secrets/ Economic Espionage	18 U.S.C. § 1831 (theft of trade secrets for benefit of foreign government)	CES/CCIPS
	18 U.S.C. § 1832 (theft of trade secrets)	CCIPS
	18 U.S.C. § 1905 (disclosure of confidential information)	Public Integrity
	18 U.S.C. §§ 2314, 2315 (interstate transportation or receipt of stolen property)	OEO
Electronic Threats	18 U.S.C. § 875 (transmitting communications containing threats of kidnap or bodily injury) (Hobbs Act)	CTS
	18 U.S.C. § 1951 (interfering with commerce by robbery, extortion, threats or violence) (Hobbs Act)	DSS
	47 U.S.C. § 223 (a)(1)(C) (anonymously using telecommunications device to threaten person who receives communication)	CCIPS
Electronic Harassment	47 U.S.C. § 223 (a)(1)(C) (anonymously using telecommunications device to harass person who receives communication)	CCIPS
	47 U.S.C. § 223(a)(1)(E) (repeatedly initiates communication with a telecommunication device solely to harass person who receives communication)	CCIPS
Interception of Electronic Communications	18 U.S.C. § 2511 (intercepting electronic communications)	CCIPS
	18 U.S.C. § 2701 (accessing stored communications)	CCIPS
	18 U.S.C. § 1030(a)(2) (accessing a computer and obtaining information)	CCIPS

Unlawful Conduct	Applicable Federal Law	DOJ Section
Cyberstalking	18 U.S.C. § 2261A (using any facility of interstate or foreign commerce to engage in a course of conduct that places person in reasonable fear of death or serious bodily injury to person, person's spouse or immediate family) See also <i>Electronic Harassment</i>	DSS
Espionage	18 U.S.C. § 1030(a)(1) (accessing a computer and obtaining national security information)	CES
	18 U.S.C. § 1030(a)(2) (accessing a computer and obtaining information from any department or agency of the United States)	CCIPS
	18 U.S.C. § 1030(a)(3) (accessing a nonpublic United States government computer)	CCIPS
	18 U.S.C. § 793 (gathering, transmitting or losing defense information)	CES
	18 U.S.C. § 798 (disclosing classified information)	CES
Hate Crimes	Look to civil rights laws and penalty enhancements	Civil Rights
Libel/Slander	Look to civil laws	
Posting Personal Information on a Website (e.g., phone numbers, addresses)	This is not a violation of law. May also be protected speech under First Amendment.	
Invasion of Privacy	See <i>Interception of Electronic Communications</i>	
Disclosure of Private Information	18 U.S.C. § 2511(1)(c) (disclosing intercepted communications)	CCIPS
Spam	18 U.S.C. § 1037 (CAN-SPAM Act)	CCIPS
Spoofing Email Address	18 U.S.C. § 1037 (CAN-SPAM Act)	CCIPS