

The HAIL Act: H.R. 10263

A website to run. A lawsuit to answer.

Sponsor: Rep. Russ Fulcher

Status: Introduced September 3; referred to House Judiciary. Not enacted.

The practical problem

Businesses use analytics to understand visits and separate tools to receive appointments. Some website data transfers face claims under the California Invasion of Privacy Act (CIPA) and related laws. Responding can require money and attention before the legal questions are resolved. A familiar tool is not automatically lawful or unlawful.

One owner-reported cost

Brandon Phipps of Second Star Technologies reported more than **\$20,000 in combined legal fees and settlement costs**. This is an individual report, not a national estimate or a settlement-only figure. Invoices and terms were not independently reviewed. [KERO/23ABC, May 2026](#).

What HAIL would change

The proposal bars covered federal and state wiretapping, pen-register, trap-and-trace and eavesdropping claims and enforcement for commercial-purpose information practices. It also reaches covered pending proceedings. [Read the introduced text, section 2](#).

Its reach and the privacy question

The rule is broader than small businesses, basic analytics or claims without harm. It contains **no express actual-harm exception** for covered claims and creates no replacement remedy. Other legal routes depend on their own requirements and the bill's application.

Why this project supports it

Defense costs can create pressure to settle a disputed claim before it is tested. We support a federal rule to address that uncertainty. A [documented court filing restriction](#) illustrates one case; it does not prove every claim abusive.

How California SB 690 differs

Its enrolled text reserves a narrower civil-action route for specified online pen-register claims to the Attorney General. The checked record shows it with the Governor; enactment was not verified. [Official California text](#) | [Status](#).

Sources and legislative records checked September 25, 2026. This independent project supports HAIL. [Current explanation and sources](#).