H.R. 1017

To prohibit the unsolicited e-mail known as “spam”.

IN THE HOUSE OF REPRESENTATIVES

March 14, 2001

Mr. Goodlatte (for himself, Mr. Smith of Texas, and Mr. Boucher) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the unsolicited e-mail known as “spam”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Spamming Act of 2001”.

SEC. 2. PROTECTION FROM FRAUDULENT UNSOLICITED E-MAIL.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—
(A) by striking “or” at the end of subparagraph (B); and

(B) by inserting after subparagraph (C) the following:

“(D) intentionally and without authorization initiates the transmission of a bulk unsolicited electronic mail message to a protected computer with knowledge that such message falsifies an Internet domain, header information, date or time stamp, originating e-mail address, or other identifier; or

“(E) intentionally sells or distributes any computer program that—

“(i) is designed or produced primarily for the purpose of concealing the source or routing information of bulk unsolicited electronic mail messages in a manner prohibited by subparagraph (D) of this paragraph;

“(ii) has only limited commercially significant purpose or use other than to conceal such source or routing information; or

“(iii) is marketed by the violator or another person acting in concert with the violator and with the violator’s knowledge for use in concealing the source or routing information of such messages”;
(2) in subsection (c)(2)(A)—

(A) by inserting “(i)” after “in the case of an offense”; and

(B) by inserting after “an offense punishable under this subparagraph;” the following: “or (ii) under subsection (a)(5)(D) or (a)(5)(E) of this section which results in damage to a protected computer”;

(3) in subsection (c)(2)—

(A) by adding at the end the following: “(D) in the case of a violation of subsection (a)(5) (D) or (E), actual monetary loss and statutory damages of $15,000 per violation or an amount of up to $10 per message per violation whichever is greater; and”; and

(B) by striking “and” at the end of sub-paragraph (A);

(4) in subsection (e)—

(A) by striking “and” at the end of para- graph (8);

(B) by striking the period at the end of paragraph (9); and

(C) by adding at the end the following: “(10) the term ‘initiates the transmission’ means, in the case of an electronic mail message, to
originate the electronic mail message, and excludes
the actions of any interactive computer service whose
facilities or services are used by another person to
transmit, relay, or otherwise handle such message;

“(11) the term ‘Internet domain’ means a spe-
cific computer system (commonly referred to as a
‘host’) or collection of computer systems attached to
or able to be referenced from the Internet which are
assigned a specific reference point on the Internet
(commonly referred to as an ‘Internet domain
name’) and registered with an organization recog-
nized by the Internet industry as a registrant of
Internet domains;

“(12) the term ‘unsolicited electronic mail mes-
sage’ means any substantially identical electronic
mail message other than electronic mail initiated by
any person to others with whom such person has a
prior relationship, including prior business relation-
ship, or electronic mail sent by a source to recipients
where such recipients, or their designees, have at
any time affirmatively requested to receive commu-
nications from that source; and

“(13) the term ‘Internet’ means all computer
and telecommunications facilities, including equip-
ment and operating software, which comprise the
interconnected network of networks that employ the
Transmission Control Protocol/Internet Protocol, or
any predecessor or successor protocols to such pro-
tocol, to communicate information of all kinds by
wire or radio.”; and

(5) in subsection (g), by inserting “and reason-
able attorneys’ fees and other litigation costs reason-
ably incurred in connection with the civil action”
after “injunctive relief or other equitable relief”.

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IN THE HOUSE OF REPRESENTATIVES

Mr. introduced the following bill; which was referred to the Committee on

A BILL

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,