107TH CONGRESS
1ST SESSION

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

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A BILL

To prohibit the unsolicited e-mail known as "spam".

1   *Be it enacted by the Senate and House of Representa-*

2   *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Anti-Spamming Act

5   of 2001".

6   **SEC. 2. PROTECTION FROM FRAUDULENT UNSOLICITED**

7   **E-MAIL.**

8   Section 1030 of title 18, United States Code, is

9   amended—

10   (1) in subsection (a)(5)—

1   (A) by striking "or" at the end of subpara-

2   graph (B); and

3   (B) by inserting after subparagraph (C)

4   the following:

5   "(D) intentionally and without authorization

6 initiates the transmission of a bulk unsolicited elec-

7 tronic mail message to a protected computer with

8 knowledge that such message falsifies an Internet

9 domain, header information, date or time stamp,

10 originating e-mail address, or other identifier; or

11   "(E) intentionally sells or distributes any com-

12 puter program that—

13   "(i) is designed or produced primarily for

14   the purpose of concealing the source or routing

15   information of bulk unsolicited electronic mail

16   messages in a manner prohibited by subpara-

17   graph (D) of this paragraph;

18   "(ii) has only limited commercially signifi-

19   cant purpose or use other than to conceal such

20   source or routing information; or

21   "(iii) is marketed by the violator or an-

22   other person acting in concert with the violator

23   and with the violator's knowledge for use in

24   concealing the source or routing information of

25   such messages";

1   (2) in subsection (c)(2)(A)—

2   (A) by inserting "(i)" after "in the case of

3   an offense"; and

4   (B) by inserting after "an offense punish-

5   able under this subparagraph;" the following:

6   "or (ii) under subsection (a)(5)(D) or (a)(5)(E)

7   of this section which results in damage to a

8   protected computer";

9   (3) in subsection (c)(2)—

10   (A) by adding at the end the following:

11   "(D) in the case of a violation of subsection

12   (a)(5) (D) or (E), actual monetary loss and statu-

13   tory damages of $15,000 per violation or an amount

14   of up to $10 per message per violation whichever is

15   greater; and"; and

16   (B) by striking "and" at the end of sub-

17   paragraph (A);

18   (4) in subsection (e)—

19   (A) by striking "and" at the end of para-

20   graph (8);

21   (B) by striking the period at the end of

22   paragraph (9); and

23   (C) by adding at the end the following:

24   "(10) the term 'initiates the transmission'

25   means, in the case of an electronic mail message, to

1 originate the electronic mail message, and excludes

2 the actions of any interactive computer service whose

3 facilities or services are used by another person to

4 transmit, relay, or otherwise handle such message;

5 "(11) the term 'Internet domain' means a spe-

6 cific computer system (commonly referred to as a

7 'host') or collection of computer systems attached to

8 or able to be referenced from the Internet which are

9 assigned a specific reference point on the Internet

10 (commonly referred to as an 'Internet domain

11 name') and registered with an organization recog-

12 nized by the Internet industry as a registrant of

13 Internet domains;

14 "(12) the term 'unsolicited electronic mail mes-

15 sage' means any substantially identical electronic

16 mail message other than electronic mail initiated by

17 any person to others with whom such person has a

18 prior relationship, including prior business relation-

19 ship, or electronic mail sent by a source to recipients

20 where such recipients, or their designees, have at

21 any time affirmatively requested to receive commu-

22 nications from that source; and

23 "(13) the term 'Internet' means all computer

24 and telecommunications facilities, including equip-

25 ment and operating software, which comprise the

1 interconnected network of networks that employ the
2 Transmission Control Protocol/Internet Protocol, or
3 any predecessor or successor protocols to such pro-
4 tocol, to communicate information of all kinds by
5 wire or radio.''; and

6 (5) in subsection (g), by inserting ''and reason-
7 able attorneys' fees and other litigation costs reason-
8 ably incurred in connection with the civil action''
9 after ''injunctive relief or other equitable relief''.

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H. R.

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,*