

108TH CONGRESS  
1ST SESSION

# S. 1052

To ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 2003

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes.

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 “Ban on Deceptive Un-  
5       solicited Bulk Electronic Mail Act of 2003”.

6       **SEC. 2. DECEPTIVE UNSOLICITED ELECTRONIC MAIL.**

7       (a) VIOLATIONS.—It shall be unlawful for any person  
8       to knowingly and intentionally use a computer or com-  
9       puter network to—

1           (1) falsify or forge electronic mail transmission  
2           information or other source, destination, routing, or  
3           subject heading information in any manner in con-  
4           nection with the transmission of unsolicited bulk  
5           commercial electronic mail through, or into, the  
6           computer network of an electronic mail service pro-  
7           vider or its subscribers;

8           (2) transmit an electronic mail message to a re-  
9           cipient who requests not to receive unsolicited bulk  
10          commercial electronic mail; or

11          (3) collect electronic mail addresses from public  
12          and private spaces for the purpose of transmitting  
13          unsolicited bulk commercial electronic mail.

14          (b) PENALTY.—Any violation of subsection (a) shall  
15          be—

16               (1) considered a predicate offense for the pur-  
17               poses of applying the Racketeering Influenced and  
18               Corrupt Organization Act (RICO) (18 U.S.C. 1961  
19               et seq.);

20               (2) constitute an unfair or deceptive act or  
21               practice in violation of section 5(a) of the Federal  
22               Trade Commission Act (15 U.S.C. 45(a)); and

23               (3) punishable by—

24                       (A) a civil penalty; and

1 (B) a fine in accordance with title 18,  
2 United States Code, or imprisonment for not  
3 more than 5 years, or both.

4 (c) OPPORTUNITY TO OPTION OUT OF RECEIVING  
5 UNSOLICITED MAIL.—Any person sending unsolicited  
6 bulk commercial electronic mail shall provide recipients of  
7 such electronic mail a clear and conspicuous opportunity  
8 to request not to receive future unsolicited electronic mail.

9 (d) DEFINITIONS.—In this section:

10 (1) ELECTRONIC MAIL MESSAGE.—The term  
11 “electronic mail message” means a message sent to  
12 an electronic mail address.

13 (2) ELECTRONIC MAIL ADDRESS.—The term  
14 “electronic mail address” means a destination, com-  
15 monly expressed as a string of characters, consisting  
16 of a unique user name or mailbox (commonly re-  
17 ferred to as the “local part”) and a reference to an  
18 Internet domain (commonly referred to as the “do-  
19 main part”) to which an electronic mail message can  
20 be sent or delivered.

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