

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

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”;

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”.

○

107TH CONGRESS
1ST SESSION

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,*