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Marketing CAN-SPAM Act of 2003 A Legislative History
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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”; 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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