

107TH CONGRESS  
1ST SESSION

# H.R. 1017

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

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## 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”;

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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