

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on _____

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.