

105TH CONGRESS
1ST SESSION

H. R. 1748

To amend the Communications Act of 1934 to ban the transmission of unsolicited advertisements by electronic mail, and to require that sender identification information be included with electronic mail messages.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to ban the transmission of unsolicited advertisements by electronic mail, and to require that sender identification information be included with electronic mail messages.

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 “Netizens Protection
5 Act of 1997”.

1 **SEC. 2. PROHIBITION ON TRANSMISSION OF UNSOLICITED**
2 **ADVERTISEMENTS BY ELECTRONIC MAIL.**

3 Section 227(b)(1) of the Communications Act of
4 1934 (47 U.S.C. 227(b)(1)) is amended—

5 (1) by striking “or” at the end of subparagraph
6 (C);

7 (2) by redesignating subparagraph (D) as sub-
8 paragraph (E);

9 (3) by inserting after subparagraph (C) the fol-
10 lowing new subparagraph:

11 “(D) to use any computer or other elec-
12 tronic device to send an unsolicited advertise-
13 ment to an electronic mail address of an indi-
14 vidual with whom such person lacks a preexist-
15 ing and ongoing business or personal relation-
16 ship, unless such individual provides express in-
17 vitation or permission; or”.

18 **SEC. 3. ELECTRONIC MAIL SENDER IDENTIFICATION IN-**
19 **FORMATION REQUIRED.**

20 Section 227(d)(1) of the Communications Act of
21 1934 (47 U.S.C. 227(d)(1)) is amended—

22 (1) by striking “or” at the end of subparagraph
23 (A);

24 (2) by striking the period at the end of sub-
25 paragraph (B) and inserting “; and”; and

1 (3) by inserting at the end the following new
2 subparagraph:

3 “(C) to use a computer or other electronic
4 device to send an unsolicited advertisement to
5 an electronic mail address unless such person
6 clearly provides, at the beginning of such unso-
7 solicited advertisement, the date and time the
8 message is sent, the identity of the business,
9 other entity, or individual sending the message,
10 and the return electronic mail address of such
11 business, other entity, or individual.”.

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