

108TH CONGRESS  
1ST SESSION

# S. 563

To protect owners of computers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2003

Mr. DAYTON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To protect owners of computers, 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 “Computer Owners’ Bill  
5 of Rights”.

6 **SEC. 2. COMPTROLLER GENERAL STUDY OF TECHNICAL**  
7 **SUPPORT FOR COMPUTER OWNERS.**

8 (a) IN GENERAL.—The Comptroller General of the  
9 United States shall carry out a study of the technical sup-  
10 port (also known as customer service) provided computer  
11 owners by the computer industry.

1 (b) OWNER SURVEY.—In carrying out the study  
2 under subsection (a), the Comptroller General shall utilize  
3 the results of a survey of computer owners conducted by  
4 the Comptroller General for purposes of the study.

5 (c) ELEMENTS OF STUDY.—The study under sub-  
6 section (a) shall—

7 (1) identify the types and ranges of technical  
8 support provided computer owners by the computer  
9 industry, including the types and ranges of support  
10 provided by various segments of the computer indus-  
11 try and the types and ranges of support provided at  
12 various times in the life of a computer (such as upon  
13 purchase and as part of on-going maintenance);

14 (2) determine whether the technical support  
15 provided computer owners by the computer industry  
16 is adequate to address the needs of computer owners  
17 for such support, including whether or not computer  
18 owners receive the support promised by various seg-  
19 ments of the computer industry; and

20 (3) identify an appropriate role, if any, for the  
21 Federal Government in the regulation of the provi-  
22 sion of technical support to computer owners by the  
23 computer industry in order to ensure the protection  
24 of computer owners in the receipt of such support.

1 (d) REPORT.—Not later than one year after the date  
 2 of the enactment of this Act, the Comptroller General shall  
 3 submit to Congress a report on the study under subsection  
 4 (a). The report shall—

5 (1) set forth the findings and conclusions of the  
 6 Comptroller General as a result of the study; and

7 (2) include the recommendations of the Comp-  
 8 troller General on the appropriate role, if any, for  
 9 the Federal Government in the regulation of the pro-  
 10 vision of technical support to computer owners by  
 11 the computer industry as identified under subsection  
 12 (c)(3).

13 **SEC. 3. INDUSTRY-WIDE STANDARDS FOR TECHNICAL SUP-**  
 14 **PORT FOR COMPUTER OWNERS.**

15 (a) STANDARDS.—Not later than 90 days after the  
 16 date of the enactment of this Act, the Federal Trade Com-  
 17 mission shall establish standards for the provision of tech-  
 18 nical support (also known as customer service) for com-  
 19 puters and computer-related products by the entities re-  
 20 ferred to in subsection (c).

21 (b) TECHNICAL SUPPORT.—For purposes of the  
 22 standards required by subsection (a), technical support  
 23 shall include the following:

24 (1) Telephone support.

25 (2) On-line support through the Internet.

1 (3) Support manuals and related documents.

2 (4) On-site support, including in-store support.

3 (5) Such other support as the Commission con-  
4 siders appropriate for coverage under the standards.

5 (c) COVERED ENTITIES.—The entities covered by the  
6 standards required by subsection (a) in the provision of  
7 technical support shall include the following:

8 (1) Manufacturers of computer hardware (in-  
9 cluding peripherals).

10 (2) Manufacturers of computer software.

11 (3) Consultants and other entities that provide  
12 technical support.

13 (4) Computer resellers, if such resellers provide  
14 technical support.

15 (5) Such other entities as the Commission con-  
16 siders appropriate for coverage under the standards.

17 (d) ADDITIONAL REQUIREMENTS.—

18 (1) CONSULTATION.—In establishing the stand-  
19 ards required by subsection (a), the Commission  
20 shall consult with entities to be covered by the  
21 standards and with such consumer organizations as  
22 the Commission considers appropriate.

23 (2) SEPARATE STANDARDS BASED ON IMPOSI-  
24 TION OF FEES.—In establishing the standards, the  
25 Commission shall establish separate standards for

1 technical support provided without charge and for  
2 technical support provided for a fee or on another  
3 remunerative basis.

4 **SEC. 4. COMPLIANCE WITH STANDARDS FOR TECHNICAL**  
5 **SUPPORT FOR COMPUTER OWNERS.**

6 (a) GUIDELINES ON COLLECTION AND SUBMISSION  
7 OF DATA ON COMPLIANCE.—Not later than 90 days after  
8 the date of the enactment of this Act, the Federal Trade  
9 Commission shall issue guidelines to encourage each entity  
10 covered by the standards for the provision of technical  
11 support for computers and computer-related products es-  
12 tablished under section 3 to collect and submit to the  
13 Commission the information specified in subsection (c).

14 (b) CONSULTATION.—The Commission shall consult  
15 with appropriate consumer organizations in issuing the  
16 guidelines under subsection (a).

17 (c) INFORMATION.—The information on technical  
18 support that is to be collected and submitted by an entity  
19 pursuant to the guidelines under subsection (a) shall in-  
20 clude such information as the Commission considers ap-  
21 propriate to provide owners and operators of computers  
22 and computer-related products for which such technical  
23 support is provided with the nature and quality of such  
24 technical support, including customer satisfaction with  
25 such technical support.

1 (d) PRESENTATION OF INFORMATION.—

2 (1) IN GENERAL.—The guidelines under sub-  
3 section (a) shall specify the manner of the presen-  
4 tation of information submitted pursuant to the  
5 guidelines under subsection (a), including the aggre-  
6 gation, disaggregation, or averaging of information,  
7 and any other manner of presentation of information  
8 that the Commission considers appropriate.

9 (2) SEPARATE INFORMATION ON EACH BASIS  
10 OF SUPPORT.—The guidelines shall provide that sep-  
11 arate information be collected and submitted under  
12 subsection (c) on each basis of technical support  
13 provided by each entity submitting information pur-  
14 suant to the guidelines.

15 (e) FREQUENCY OF SUBMITTAL.—The guidelines  
16 under subsection (a) shall provide for the submittal of in-  
17 formation pursuant to the guidelines on a quarterly basis.

18 (f) PUBLICATION.—The Commission shall make  
19 available to the public, in a form considered appropriate  
20 by the Commission, the information submitted to the  
21 Commission pursuant to the guidelines under subsection  
22 (a). The Commission shall make such information public  
23 in both printed and Internet form.

1 **SEC. 5. PROTECTION FROM UNSOLICITED MARKETING E-**  
2 **MAIL.**

3 (a) IN GENERAL.—The Federal Trade Commission  
4 shall establish a registry in which any person or entity  
5 that does not seek to receive unsolicited marketing e-mail  
6 (commonly referred to as “spam”) to a computer may reg-  
7 ister the e-mail address or addresses of such computer for  
8 that purpose.

9 (b) REGISTRATION.—The Commission shall permit  
10 the registration, including registration by e-mail, of any  
11 computer on the registry established under subsection (a).

12 (c) AVAILABILITY OF REGISTRY TO PUBLIC.—The  
13 Commission shall make available to the public the infor-  
14 mation on the registry established under subsection (a).

15 (d) PROHIBITION ON UNSOLICITED MARKETING E-  
16 MAIL TO REGISTERED COMPUTERS.—Except as otherwise  
17 authorized by the Commission in regulations prescribed  
18 under this section, no person or entity may send or other-  
19 wise submit to any computer whose e-mail address is reg-  
20 istered on the registry established under subsection (a) un-  
21 solicited marketing e-mail.

22 (e) CIVIL PENALTY.—The Commission may impose  
23 a civil penalty not to exceed \$10,000 for each violation  
24 of subsection (d). For purposes of this subsection, each  
25 day of violation shall constitute a separate offense.

26 (f) ENFORCEMENT POWERS.—

1           (1) IN GENERAL.—The Commission shall en-  
2           force subsection (d) utilizing the powers and authori-  
3           ties available to the Commission under the Federal  
4           Trade Commission Act (15 U.S.C. 41 et seq.).

5           (2) REPORTING OF VIOLATIONS.—For purposes  
6           of the enforcement of the subsection (d), the Com-  
7           mission shall establish mechanisms to permit the re-  
8           porting of violations of such sections to the Commis-  
9           sion, including appropriate links on the Internet web  
10          site of the Commission and the use of a toll-free  
11          telephone number (commonly referred to as an “800  
12          number”) for such purposes.

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