

The following provides a list and brief description of federal laws enacted that deal with the Internet in some way.

Children’s Internet Protection Act (CIPA)

Pub. L. No. 106–554, 114 Stat. 2763A–335 (2000) (amending scattered provisions of 20 U.S.C. and 47 U.S.C.)

CIPA was enacted to address concerns about the ability for children to access obscene content over the Internet while at school. This act, in combination with the Neighborhood Internet Protection Act, provided a series of requirements to be met by school systems receiving Internet discounts through the federally funded E-rate program, in order to prevent user access to obscene material. See *Children’s Internet Protection Act*, Federal Communications Commission, <https://www.fcc.gov/consumers/guides/childrens-Internet-protection-act>.

Children’s Online Privacy Protection Act (COPPA) of 1998

15 U.S.C. § 6501–06

COPPA imposes requirements on website operations aimed at children under the age of 13 and upon website operators that have actual knowledge that they are collecting personal information from children 13 years old or younger. This law was enacted after the Child Pornography Prevention Act of 1996 was overturned by U.S. Supreme Court in 2002. See *Children’s Online Privacy Protection Rule (“COPPA”)*, Federal Trade Commission, <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>.

“Civil” Racketeer Influenced and Corrupt Organizations (RICO) Act

18 U.S.C. §§ 1961–68

RICO was enacted to provide criminal and civil remedies against individuals participating in “racketeering activity,” which is defined as including “any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical.” 18 U.S.C. § 1961(1) (2012). This act provides treble damages to be awarded in any civil suit alleging harm caused by “racketeering activity.” 18 U.S.C. § 1964 (2012).

Computer Fraud and Abuse Act (CFAA) (1986)

18 U.S.C. § 1030

Enacted as an amendment to the Counterfeit Access Device and Abuse Act, essentially stating that, “whoever intentionally accesses a computer without authorization or exceeds

authorized access, and thereby obtains information from any protected computer if the conduct involved an interstate or foreign communication shall be punished under the Act.” See *Computer Fraud and Abuse Act (CFAA)*, Electronic Frontier Foundation, [https://ilt.eff.org/index.php/Computer_Fraud_and_Abuse_Act_\(CFAA\)](https://ilt.eff.org/index.php/Computer_Fraud_and_Abuse_Act_(CFAA)).

The Communications Decency Act of 1996 (CDA)

Pub. L. No. 104–104, 110 Stat. 133 (codified as amended in sections of 47 U.S.C.)

This act amended the Telecommunications Act of 1996 to include certain provisions regulating the access to obscene material to children and provided protection for Internet site operators from liability attributed to speech posted on their sites by third parties (the act clarifies that Internet site operators are not “publishers”). See Robert Cannon, “The Legislative History of Senator Exon’s Communications Decency Act: Regulating Barbarians on the Information Superhighway,” *Federal Communications Law Journal* vol. 49 (1996): 51, 52–53.

Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act of 2003

15 U.S.C. §§ 7701–13

The CAN-SPAM Act sets requirements for senders of unsolicited commercial e-mails, which prohibit false or misleading header information, as well as deceptive subject lines. The act also requires that senders provide an option for recipients to opt out of receiving messages, among various other related provisions. See Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act), Federal Trade Commission, <https://www.ftc.gov/enforcement/statutes/controlling-assault-non-solicited-pornography-marketing-act-2003-can-spam-act>.

Digital Millennium Copyright Act of 1998 (DMCA)

Pub. L. No. 105–304, 112 Stat. 2860 (codified as amended in scattered sections of 17 U.S.C.)

The DMCA incorporates two World Intellectual Property Organization (WIPO) treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. It also adds several provisions to federal copyright law in order to address digital media. See Executive Summary: Digital Millennium Copyright Act, U.S. Copyright Office, http://www.copyright.gov/reports/studies/dmca/dmca_executive.html.

Economic Espionage Act of 1996 (EEA)

18 U.S.C. §§ 1831-1837

The EEA introduced a number of changes to the legal landscape, most notably in regard to trade secret law. Highlights include: implementing criminal penalties for the misappropriation of trade secrets; empowering the attorney general to bring civil enforcement actions for violations of the act; and requirements for courts to maintain certain secrecy standards in cases of trade secret litigation. See *Introduction to the Economic Espionage Act*, Office of the U.S. Attorney, <https://www.justice.gov/usam/criminal-resource-manual-1122-introduction-economic-espionage-act>.

Electronic Communications and Privacy Act of 1986 (ECPA)

Pub. L. No. 99-508, 100 Stat. 1848 (the majority of which is codified at 18 U.S.C. § 2510-22)

The ECPA updated the Federal Wiretap Act of 1968, which dealt with the interception of conversations using telephone lines. The ECPA extended protection to “wire, oral, and electronic communications while those communications are being made, are in transit, and when they are stored on computers.” The protection applies to e-mail, telephone conversations, and data stored electronically. See *Electronic Communications Privacy Act of 1986 (ECPA)*, Justice Information Sharing: U.S. Department of Justice, <https://it.ojp.gov/privacyliberty/authorities/statutes/1285>.

Electronic Signatures in Global and National Commerce (E-SIGN) Act

Pub. L. No. 106–229, 114 Stat. 464 (codified as amended in 15 U.S.C. ch. 96)

The E-SIGN act provides that electronic documents and signatures are valid under any existing law requiring that information be provided in writing, as long as the consumer has affirmatively consented to the use. See FDIC Compliance Examination Manual, Federal Deposit Insurance Corporation, X–3.1 (January 2014), <https://www.fdic.gov/regulations/compliance/manual/10/X-3.1.pdf>.

Gramm-Leach-Bliley Act (GLBA)

Pub. L. No. 106–102, 113 Stat. 1338 (codified as amended in various sections of 12 U.S.C. and 15 U.S.C.); also known as the Financial Services Modernization Act of 1999

GLBA repealed parts of the Glass–Steagall Act of 1933, and requires financial institutions “to explain their information-sharing practices to their customers and to safeguard sensitive data.” See *Gramm-Leach-Bliley Act*, Federal Trade Commission, <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/gramm-leach-bliley-act>.

Health Insurance Portability and Accountability Act (HIPAA) of 1996

Pub. L. No. 104–191, 110 Stat. 1936 (codified in various titles of the U.S.C., including 42 and 29)

HIPAA was enacted to create new standards for health insurance. The act makes it possible for workers to transfer or continue employer provided health insurance if they change jobs, provides new rules to prevent health care fraud and protect insured party confidentiality, among various other provisions. See *The Health Insurance Portability and Accountability Act*, U.S. Department of Labor, <http://www.dol.gov/ebsa/newsroom/fshipaa.html>.

Identity Theft Penalty Enhancement Act

Pub. L. No. 108–275, 118 Stat. 831 (2004) (amending 18 U.S.C.)

The act was passed to provide increased federal criminal penalties for identity theft and identity theft related crimes. See Jere M. Webb, *New Identity Theft Penalty Enhancement Act*, Stoel Rives LLP (April 7, 2005), <http://www.stoel.com/new-identity-theft-penalty-enhancement-act>.

The Internet Tax Freedom Act of 1998

Pub. L. No. 105–277, 112 Stat. 2681–719 (amending 15 U.S.C. § 151)

The Internet Tax Freedom Act of 1998 “implemented a three-year moratorium preventing state and local governments from taxing Internet access, or imposing multiple or discriminatory taxes on electronic commerce.” See Jeffrey M. Stupek, Congressional Research Service, *The Internet Tax Freedom Act: In Brief* (2015), <https://www.fas.org/sgp/crs/misc/R43772.pdf>.

Lanham Act of 1946

Pub. L. No. 79-489, 60 Stat. 427 (codified as amended in 15 U.S.C. §§ 1051 et seq.)

This act embodies the majority of federal trademark law, as well as federal false advertising law. See generally *Trademark Act of 1946*, Academic, http://law.academic.ru/8350/Trademark_Act_of_1946.

Leahy-Smith America Invents Act (AIA)

Pub. L. No. 112-29, 125 Stat. 284 (amending 35 U.S.C., “Patents”)

This act makes alterations to federal patent law, including changing patent priority from a “first-to-invent” system to a “first-to-file” system, and implementing new standards for post grant review. See *Summary of the America Invents Act*, American Intellectual

Property Law Association,
<http://www.aipla.org/advocacy/congress/aia/Pages/summary.aspx>.

Magnuson-Moss Warranty Act of 1975

15 U.S.C. § 2301–12

This act governs consumer product warranties and requires manufacturers and sellers of consumer products to provide consumers with warranty information. See *Understanding the Magnuson-Moss Warranty Act*, MLM Law Resource Site, <http://www.mlmlaw.com/library/guides/ftc/warranties/undermag.htm>.

Neighborhood Internet Protection Act (NCIPA)

Pub. L. No. 106–554, 114 Stat. 2763A–350 (2000) (amending sections of 47 U.S.C.)

NCIPA works in combination with CIPA to provide requirements to be met by school systems receiving Internet discounts through the federally funded E-rate program. The requirements are tailored to prevent access to obscene content over the Internet and often includes requirements to implement filters and blocking programs. See *Neighborhood Internet Protection Act*, American Library Association, <http://www.ala.org>.

U.S. Patent Act of 1952

Pub. L. No. 82-593, 66 Stat. 792 (codified as 35 U.S.C., “Patents”)

The act made alterations to title 35 of the United States Code, which embodies the scope of federal patent statutes. Substantive additions include the adoption of the concept of contributory infringement. See 35 U.S.C. § 271 (2012).

The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003

Pub. L. No. 108–21, 117 Stat. 650

The PROTECT Act was enacted to provide additional enforcement mechanisms against individuals engaging in the abuse and exploitation of minors. The act included the possibility of life sentences for sex offenders with a repeat history of sex offenses against minors and raises punishment for possession and distribution of child pornography, as well as prohibits computer generated child pornography, among other provisions. See Amy Fraley, “Child Sex Tourism Legislation Under the PROTECT Act: Does It Really Protect?” *St. John’s Law Review*, vol. 79 (2012): 445, 459.

Privacy Act of 1974

5 U.S.C. § 552a

The Privacy Act of 1974 was established to set up a code of fair information practices. These practices were designed to protect individuals from unfair use, dissemination, and collection of personal information by federal agencies. See *Privacy Act of 1974*, U.S. Department of Justice, <https://www.justice.gov/opcl/privacy-act-1974>.

Stored Communications Act (SCA) (1986)

18 U.S.C. §§ 2701–2712

Part of the Electronic Communications and Privacy Act of 1986, the SCA was enacted to set standards for protecting parties from the disclosure of private information by an online service provider. This applies to e-mail communication. See *Privacy: Stored Communications Act*, EFF, https://ilt.eff.org/index.php/Privacy:_Stored_Communications_Act.

The Telecommunications Act of 1996

Pub. L. No. 104–104, 110 Stat. 56 (amending 47 U.S.C., “Telegraphy”)

This act implemented major changes in the regulation of telecommunications, geared towards increasing the competition amongst local telephone companies, long distance providers, and cable companies. See *Telecommunications Act of 1996*, Federal Communications Commission, <https://transition.fcc.gov/telecom.html>.

The Telephone Consumer Protection Act (TCPA) of 1991

47 U.S.C. § 227

The TCPA restricts the use of automated dialing systems and artificial or prerecorded voice messages by common carriers and parties making telemarketing calls. See *Telemarketing and Robocalls*, Federal Communications Commission, <https://www.fcc.gov/general/telemarketing-and-robocalls>.

Undertaking Spam, Spyware, and Fraud Enforcement with Enforcers beyond Borders (US SAFE WEB) Act of 2006

Pub. L. No. 109–455, 120 Stat. 3372 (codified as amended in scattered sections of 15 U.S.C.)

This act provides the Federal Trade Commission with additional tools to improve enforcement of various cyber-crimes relating to consumer protection. The act also increases the Federal Trade Commission's ability to cooperate with foreign law enforcement agencies. See U.S. Safe Web Act, Federal Trade Commission, <https://www.ftc.gov/enforcement/statutes/us-safe-web-act>.

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001

Pub. L. No. 107–56, 115 Stat. 252 (amending and adding a variety of titles in the U.S.C.)

USA PATRIOT Act was enacted to prevent future terrorist attacks and provides law enforcement with new tools to investigate potential suspects, including broad new surveillance powers. See The USA PATRIOT Act: Preserving Life and Liberty, U.S. Department of Justice, <https://www.justice.gov/archive/ll/highlights.htm>.

Related Publications

For more about laws related to the Internet, see the publication series, *The Internet and Public Policy*, for publications related to specific topics, including:

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