

S 877

CAN-SPAM Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Apr 10, 2003

Current Status: Became Public Law No: 108-187.

Latest Action: Became Public Law No: 108-187. (Dec 16, 2003)

Law: 108-187 (Enacted Dec 16, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/877>

Sponsor

Name: Sen. Burns, Conrad R. [R-MT]

Party: Republican • **State:** MT • **Chamber:** Senate

Cosponsors (22 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Breaux, John B. [D-LA]	D · LA		Apr 10, 2003
Sen. Landrieu, Mary L. [D-LA]	D · LA		Apr 10, 2003
Sen. Schumer, Charles E. [D-NY]	D · NY		Apr 10, 2003
Sen. Stevens, Ted [R-AK]	R · AK		Apr 10, 2003
Sen. Thomas, Craig [R-WY]	R · WY		Apr 10, 2003
Sen. Wyden, Ron [D-OR]	D · OR		Apr 10, 2003
Sen. Talent, Jim [R-MO]	R · MO		Apr 28, 2003
Sen. Gregg, Judd [R-NH]	R · NH		May 1, 2003
Sen. Johnson, Tim [D-SD]	D · SD		May 1, 2003
Sen. Carper, Thomas R. [D-DE]	D · DE		May 6, 2003
Sen. Lieberman, Joseph I. [D-CT]	D · CT		May 8, 2003
Sen. Nelson, Bill [D-FL]	D · FL		May 20, 2003
Sen. Snowe, Olympia J. [R-ME]	R · ME		Jun 5, 2003
Sen. Chambliss, Saxby [R-GA]	R · GA		Jun 10, 2003
Sen. Dodd, Christopher J. [D-CT]	D · CT		Jun 10, 2003
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jun 18, 2003
Sen. Edwards, John [D-NC]	D · NC		Jun 24, 2003
Sen. Murkowski, Lisa [R-AK]	R · AK		Jul 11, 2003
Sen. Collins, Susan M. [R-ME]	R · ME		Sep 16, 2003
Sen. Fitzgerald, Peter [R-IL]	R · IL		Oct 22, 2003
Sen. McCain, John [R-AZ]	R · AZ		Oct 22, 2003
Sen. Pryor, Mark L. [D-AR]	D · AR		Oct 22, 2003

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Jul 16, 2003
Judiciary Committee	House	Bills of Interest - Exchange of Letters	Dec 15, 2003

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 or the CAN-SPAM Act of 2003 - (Sec. 2) Sets forth the determination of Congress that: (1) there is a substantial government interest in regulation of commercial electronic mail (spam); (2) senders of spam should not mislead recipients as to the source or content of such mail; and (3) recipients of spam have a right to decline to receive additional spam from the same source.

(Sec. 3) Requires the Federal Trade Commission (FTC) to issue regulations defining the relevant criteria to facilitate the determination of the primary purpose of an electronic mail message.

(Sec. 4) Amends the Federal criminal code to subject to a fine, imprisonment, or both any person who: (1) accesses a protected computer without authorization and intentionally initiates the transmission of multiple commercial electronic mail messages from or through such computer; (2) uses a protected computer to relay or retransmit multiple messages, with the intent to deceive or mislead recipients or any Internet access service as to the origin of such messages; (3) materially falsifies header information in multiple messages and intentionally initiates the transmission thereof; (4) registers, with materially false identifying information, for five or more electronic mail accounts or online user accounts or two or more domain names and intentionally initiates the transmission of multiple messages from such accounts or domain names; or (5) falsely represents oneself to be the registrant or legitimate successor in interest to the registrant of five or more Internet protocol addresses and intentionally initiates the transmission of multiple messages from such addresses. Allows for: (1) higher penalties in the case of offenses committed in furtherance of any felony or if the defendant has previously been convicted for conduct involving the transmission of multiple messages or unauthorized access to a computer system; and (2) the forfeiture of property obtained from such an offense and equipment, software, or other technology used to commit such an offense. Directs the U.S. Sentencing Commission to review and amend sentencing guidelines to provide appropriate penalties for such violations.

Expresses the sense of Congress that: (1) spam has become the method of choice for those who distribute pornography, perpetrate fraudulent schemes, and introduce viruses, worms, and Trojan horses into personal and business computer systems; and (2) the Department of Justice should use all existing law enforcement tools to investigate and prosecute those who send bulk commercial e-mail to facilitate the commission of Federal crimes.

(Sec. 5) Sets forth protections against spam that include: (1) a prohibition against false or misleading transmission information; (2) a prohibition against deceptive subject headings; (3) mandatory inclusion of a return address or a comparable mechanism in commercial electronic mail; (4) a prohibition against transmission of spam after objection (including a prohibition against transferring or releasing an email address after an objection); (5) mandatory inclusion in spam of information identifying the message as an advertisement or solicitation, notice of the opportunity to decline to receive further unsolicited messages from the sender, and the sender's physical address; (6) a prohibition against initiating transmission of spam to a protected computer, or assisting in the origination of such message through the provision of addresses, if the person had actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that the recipient's address was obtained from an Internet website or proprietary online service that included a notice that the operator will not provide addresses for initiating unsolicited messages; (7) a prohibition against using automated means to register for multiple email accounts for the transmission of spam; and (8) a prohibition against relaying or retransmitting an unsolicited message that is unlawful under this section.

Requires a person, when initiating commercial electronic mail containing sexually oriented material, to provide labels warning of such content, unless the recipient has given prior affirmative consent to receipt of such mail. Provides criminal penalties for violations.

(Sec. 6) Prohibits: (1) promoting a business by the use of email containing false or misleading transmission information; and (2) enforcement against third parties, with exceptions.

(Sec. 7) Confers enforcement powers for violations of this Act upon the FTC, designated Federal agencies, and States. Allows for the award of aggravated damages in certain cases. Permits a provider of Internet access service adversely affected by a violation of this Act to bring a civil action.

(Sec. 9) Directs the FTC to submit to: (1) specified congressional committees a plan and timetable for establishing a nationwide marketing Do-Not-E-mail registry; and (2) Congress a report of the effectiveness and enforcement of provisions of this Act.

(Sec. 11) Directs the FTC to submit to specified congressional committees reports that set forth: (1) a system for rewarding those who supply information about violations of this Act; and (2) a plan for requiring spam to be identifiable from its subject line.

(Sec. 12) Amends the Communications Act of 1934 to make certain restrictions on the use of automated telephone equipment applicable to persons outside the United States (currently, only to persons within the United States) if the call recipient is within the United States.

(Sec. 14) Requires the Federal Communications Commission (FCC) to promulgate rules to protect consumers from unwanted mobile service commercial messages, including rules to: (1) provide subscribers with the ability to avoid receiving such messages unless they have provided express prior authorization; and (2) allow recipients to indicate electronically their desire not to receive such messages in the future.

Actions Timeline

- **Dec 16, 2003:** Signed by President.
- **Dec 16, 2003:** Became Public Law No: 108-187.
- **Dec 11, 2003:** Presented to President.
- **Dec 8, 2003:** Message on Senate action sent to the House.
- **Dec 8, 2003:** Mr. Tauzin asked unanimous consent that the House agree to the Senate amendment to the House amendment. (consideration: CR H12854-12861)
- **Dec 8, 2003:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment to the House amendment Agreed to without objection.(text as House agreed to Senate amendment to House amendment: CR H12854-12859)
- **Dec 8, 2003:** On motion that the House agree to the Senate amendment to the House amendment Agreed to without objection. (text as House agreed to Senate amendment to House amendment: CR H12854-12859)
- **Dec 8, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 25, 2003:** Resolving differences -- Senate actions: Senate concurred in the House amendment with an amendment by Unanimous Consent.(consideration: CR S15938-15948)
- **Nov 25, 2003:** Senate concurred in the House amendment with an amendment by Unanimous Consent. (consideration: CR S15938-15948)
- **Nov 22, 2003:** Considered as unfinished business. (consideration: CR 11/21/2003 H12297-12298)
- **Nov 22, 2003:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 392 - 5 (Roll no. 671).(text: CR 11/21/2003 H12186-12191)
- **Nov 22, 2003:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 392 - 5 (Roll no. 671). (text: CR 11/21/2003 H12186-12191)
- **Nov 22, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 22, 2003:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Nov 21, 2003:** Mr. Tauzin moved to suspend the rules and pass the bill, as amended.
- **Nov 21, 2003:** Considered under suspension of the rules. (consideration: CR H12186-12198)
- **Nov 21, 2003:** DEBATE - The House proceeded with forty minutes of debate on S. 877.
- **Nov 21, 2003:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Oct 24, 2003:** Message on Senate action sent to the House.
- **Oct 24, 2003:** Received in the House.
- **Oct 24, 2003:** Held at the desk.
- **Oct 22, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S13012-13045; text of measure as reported in Senate: CR S13012-13019)
- **Oct 22, 2003:** The committee substitute agreed to by Unanimous Consent.
- **Oct 22, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 97 - 0. Record Vote Number: 404.(text: CR 10/23/2003 S13176-13182)
- **Oct 22, 2003:** Passed Senate with an amendment by Yea-Nay Vote. 97 - 0. Record Vote Number: 404. (text: CR 10/23/2003 S13176-13182)
- **Jul 16, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain with an amendment in the nature of a substitute. With written report No. 108-102.
- **Jul 16, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 209.
- **Jun 19, 2003:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 10, 2003:** Introduced in Senate
- **Apr 10, 2003:** Sponsor introductory remarks on measure. (CR S5204)
- **Apr 10, 2003:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S5204-5207)

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