111TH CONGRESS 1ST SESSION

H.R. 1110

To amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 23, 2009

Mr. Scott of Virginia (for himself, Mr. Conyers, Mr. Tim Murphy of Pennsylvania, Ms. Jackson-Lee of Texas, and Mr. Sherman) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent caller ID spoofing, 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 "Preventing Harass-
- 5 ment through Outbound Number Enforcement Act of
- 6 2009" or the "PHONE Act of 2009".
- 7 SEC. 2. CALLER ID SPOOFING.
- 8 (a) In General.—Chapter 47 of title 18, United
- 9 States Code, is amended by adding at the end the fol-
- 10 lowing:

1 "§ 1041. Caller ID spoofing

- 2 "(a) Offense.—Whoever, in or affecting interstate
- 3 or foreign commerce, knowingly uses or provides to an-
- 4 other—
- 5 "(1) false caller ID information with intent
- 6 wrongfully to obtain anything of value; or
- 7 "(2) caller ID information pertaining to an ac-
- 8 tual person or other entity without that person's or
- 9 entity's consent and with intent to deceive any per-
- son or other entity about the identity of the caller;
- 11 or attempts or conspires to do so, shall be punished as
- 12 provided in subsection (b).
- 13 "(b) Punishment.—Whoever violates subsection (a)
- 14 shall—
- 15 "(1) if the offense is a violation of subsection
- 16 (a)(1), be fined under this title or imprisoned not
- more than 5 years, or both; and
- 18 "(2) if the offense is a violation of subsection
- 19 (a)(2), be fined under this title or imprisoned not
- 20 more than one year, or both.
- 21 "(c) LAW ENFORCEMENT EXCEPTION.—This section
- 22 does not prohibit lawfully authorized investigative, protec-
- 23 tive, or intelligence activity of a law enforcement agency
- 24 of the United States, a State, or a political subdivision
- 25 of a State, or of an intelligence agency of the United

1	States, or any activity authorized under chapter 224 of
2	this title.
3	"(d) Forfeiture.—
4	"(1) IN GENERAL.—The court, in imposing sen-
5	tence on a person who is convicted of an offense
6	under this section, shall order that the defendant
7	forfeit to the United States—
8	"(A) any property, real or personal, consti-
9	tuting or traceable to gross proceeds obtained
10	from such offense; and
11	"(B) any equipment, software or other
12	technology used or intended to be used to com-
13	mit or to facilitate the commission of such of-
14	fense.
15	"(2) Procedures.—The procedures set forth
16	in section 413 of the Controlled Substances Act $(21$
17	U.S.C. 853), other than subsection (d) of that sec-
18	tion, and in Rule 32.2 of the Federal Rules of
19	Criminal Procedure, shall apply to all stages of a
20	criminal forfeiture proceeding under this section.
21	"(e) Definitions.—In this section—
22	"(1) the term 'caller ID information' means any
23	identifying information regarding the origination of
24	a telephone call, including the name or the telephone

1	number of the caller, that is transmitted with the
2	telephone call;
3	"(2) the term 'telephone call' means a call
4	made using or received on a telecommunications
5	service or VOIP service;
6	"(3) the term 'telecommunications service'
7	means the offering of telecommunications for a fee
8	directly to the public, or to such classes of users as
9	to be effectively available directly to the public, re-
10	gardless of the facilities used;
11	"(4) the term 'VOIP service' means a service
12	that—
13	"(A) provides real-time or near real-time
14	voice communications transmitted using Inter-
15	net Protocol, or a successor protocol;
16	"(B) is offered to the public, or such class-
17	es of users as to be effectively available to the
18	public (whether part of a bundle of services or
19	separately); and
20	"(C) has the capability to originate traffic
21	to, or terminate traffic from, the public
22	switched telephone network or a successor net-
23	work; and
24	"(5) the term 'State' includes a State of the
25	United States, the District of Columbia, and any

- 1 commonwealth, territory, or possession of the United
- 2 States.".
- 3 (b) CLERICAL AMENDMENT.—The table of sections
- 4 at the beginning of chapter 47 of title 18, United States
- 5 Code, is amended by adding at the end the following new
- 6 item:

"1041. Caller ID spoofing.".

7 SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR

- 8 MONEY LAUNDERING.
- 9 Section 1956(c)(7)(D) of title 18, United States
- 10 Code, is amended by inserting "section 1037 (relating to
- 11 fraud and related activity in connection with electronic
- 12 mail), section 1040 (relating to caller ID spoofing)," be-
- 13 fore "section 1111".

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