

111TH CONGRESS
1ST SESSION

H. R. 1110

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2009

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Harass-
3 ment through Outbound Number Enforcement Act of
4 2009” or the “PHONE Act of 2009”.

5 **SEC. 2. CALLER ID SPOOFING.**

6 (a) IN GENERAL.—Chapter 47 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1041. Caller ID spoofing**

10 “(a) OFFENSE.—Whoever, in or affecting interstate
11 or foreign commerce, knowingly uses or provides to an-
12 other—

13 “(1) false caller ID information with intent
14 wrongfully to obtain anything of value; or

15 “(2) caller ID information pertaining to an ac-
16 tual person or other entity without that person’s or
17 entity’s consent and with intent to deceive any per-
18 son or other entity about the identity of the caller;
19 shall be punished as provided in subsection (b).

20 “(b) PUNISHMENT.—Whoever violates subsection (a)
21 shall—

22 “(1) if the offense is a violation of subsection
23 (a)(1), be fined under this title or imprisoned not
24 more than 5 years, or both; and

1 “(2) if the offense is a violation of subsection
2 (a)(2), be fined under this title or imprisoned not
3 more than one year, or both.

4 “(c) LAW ENFORCEMENT EXCEPTION.—This section
5 does not prohibit lawfully authorized investigative, protec-
6 tive, or intelligence activity of a law enforcement agency
7 of the United States, a State, or a political subdivision
8 of a State, or of an intelligence agency of the United
9 States, or any activity authorized under chapter 224 of
10 this title.

11 “(d) FORFEITURE.—

12 “(1) IN GENERAL.—The court, in imposing sen-
13 tence on a person who is convicted of an offense
14 under this section, shall order that the defendant
15 forfeit to the United States—

16 “(A) any property, real or personal, consti-
17 tuting or traceable to gross proceeds obtained
18 from such offense; and

19 “(B) any equipment, software or other
20 technology used or intended to be used to com-
21 mit or to facilitate the commission of such of-
22 fense.

23 “(2) PROCEDURES.—The procedures set forth
24 in section 413 of the Controlled Substances Act (21
25 U.S.C. 853), other than subsection (d) of that sec-

tion, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘caller ID information’ means any identifying information regarding the origination of a telephone call, including the name or the telephone number of the caller, that is transmitted with the telephone call;

“(2) the term ‘telephone call’ means a call made or received using any real time voice communications service, regardless of the technology or network used; and

“(3) the term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1041. Caller ID spoofing.”.

SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR MONEY LAUNDERING.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1037 (relating to

1 fraud and related activity in connection with electronic
2 mail), section 1041 (relating to caller ID spoofing),” be-
3 fore “section 1111”.

Passed the House of Representatives December 16,
2009.

Attest: LORRAINE C. MILLER,
Clerk.