

109TH CONGRESS
2D SESSION

H. R. 5304

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

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mr. MURPHY (for himself, Mr. SIMMONS, Ms. HART, and Mr. CARTER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a penalty for 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”.

6 **SEC. 2. CALLER ID SPOOFING.**

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

1 **“§ 1038. Caller ID spoofing**

2 “(a) IN GENERAL.—Whoever knowingly modifies
3 caller ID information with intent to mislead the recipient
4 of a telephone call as to the identity of the person making
5 the call shall be fined under this title, imprisoned for not
6 more than five years, or both.

7 “(b) EXCEPTIONS.—This section does not prohibit
8 the following:

9 “(1) Any blocking of caller ID information.

10 “(2) Any lawfully authorized investigative, pro-
11 tective, or intelligence activity of a law enforcement
12 agency of the United States, a State, or a political
13 subdivision of a State, or of an intelligence agency
14 of the United States, or any activity authorized
15 under chapter 224 of this title.

16 “(c) DEFINITIONS.—(1) In this section:

17 “(A) The term ‘caller ID information’
18 means information transmitted—

19 “(i) by a service or device;

20 “(ii) to the recipient of a telephone
21 call; and

22 “(iii) regarding the telephone number
23 of, or other information regarding the
24 origination of, the telephone call.

1 “(B) The term ‘telephone call’ means a
2 call made using a telecommunications service or
3 VOIP service.

4 “(C) The term ‘VOIP service’ means a
5 service that—

6 “(i) provides real-time 2-way voice
7 communications transmitted through cus-
8 tomer premises equipment using Trans-
9 mission Control Protocol/Internet Protocol,
10 or a successor protocol (including when the
11 voice communication is converted to or
12 from Transmission Control Protocol/Inter-
13 net Protocol by the VOIP service provider
14 and transmitted to the subscriber without
15 use of circuit switching), for a fee;

16 “(ii) is offered to the public, or such
17 classes of users as to be effectively avail-
18 able to the public (whether part of a bun-
19 dle of services or separately); and

20 “(iii) has the capability to originate
21 traffic to, and terminate traffic from, the
22 public switched telephone network.

23 “(D) The term ‘State’ includes a State of
24 the United States, the District of Columbia,

1 and any commonwealth, territory, or possession
2 of the United States.

3 “(2) A term used in a definition in paragraph (1)
4 has the meaning given such term in section 3 of the Com-
5 munications Act of 1934 (47 U.S.C. 153).”.

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

“1038. Caller ID spoofing.”.

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