

## Union Calendar No. 13

110TH CONGRESS  
1ST SESSION

# H. R. 740

[Report No. 110-37]

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

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. FORBES, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 8, 2007

Additional sponsors: Mr. BOUCHER, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, and Mr. SHERMAN

MARCH 8, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Harass-  
3 ment through Outbound Number Enforcement (PHONE)  
4 Act of 2007”.

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 **“§ 1040. 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 to  
14 defraud; or

15 “(2) caller ID information pertaining to an ac-  
16 tual person without that person’s consent and with  
17 intent to deceive the recipient of a call about the  
18 identity of the caller;

19 or attempts or conspires to do so, shall be punished as  
20 provided in subsection (b).

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

23 “(1) if the offense is committed for commercial  
24 gain, be fined under this title or imprisoned not  
25 more than 5 years, or both; and

1           “(2) be fined under this title or imprisoned not  
2           more than one year, or both, in any other case.

3           “(c) LAW ENFORCEMENT EXCEPTION.—It is a de-  
4           fense to a prosecution for an offense under this section  
5           that the conduct involved was lawfully authorized inves-  
6           tigative, protective, or intelligence activity of a law en-  
7           forcement agency of the United States, a State, or a polit-  
8           ical subdivision of a State, or of an intelligence agency  
9           of the United States, or any activity authorized under  
10          chapter 224 of 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-

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

4 “(e) DEFINITIONS.—In this section—

5 “(1) the term ‘caller ID information’ means in-  
6 formation regarding the origination of the telephone  
7 call, such as the name or the telephone number of  
8 the caller;

9 “(2) the term ‘telephone call’ means a call  
10 made using or received on a telecommunications  
11 service or VOIP service;

12 “(3) the term ‘VOIP service’ means a service  
13 that—

14 “(A) provides real-time 2-way voice com-  
15 munications transmitted using Internet Pro-  
16 tocol, or a successor protocol;

17 “(B) is offered to the public, or such class-  
18 es of users as to be effectively available to the  
19 public (whether part of a bundle of services or  
20 separately); and

21 “(C) has the capability to originate traffic  
22 to, or terminate traffic from, the public  
23 switched telephone network or a successor net-  
24 work;



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