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U.S. GOVERNMENT
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110TH CONGRESS
1ST SESSION

H. R. 740

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007''.

SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. Caller ID spoofing

''(a) OFFENSE.—Whoever, in or affecting interstate or foreign commerce, knowingly uses or provides to another—

''(1) false caller ID information with intent to defraud; or

''(2) caller ID information pertaining to an actual person without that person's consent and with intent to deceive the recipient of a call about the identity of the caller;

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

''(b) PUNISHMENT.—Whoever violates subsection (a) shall—

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

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

"(c) LAW ENFORCEMENT EXCEPTION.—It is a defense to a prosecution for an offense under this section that the conduct involved was lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

"(d) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any equipment, software or other technology used or intended to be used to commit or to facilitate the commission of such offense.

"(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 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 information regarding the origination of the telephone call, such as the name or the telephone number of the caller;

"(2) the term 'telephone call' means a call made using or received on a telecommunications service or VOIP service;

"(3) the term 'VOIP service' means a service that—

"(A) provides real-time 2-way voice communications transmitted using Internet Protocol, or a successor protocol;

"(B) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

"(C) has the capability to originate traffic to, or terminate traffic from, the public switched telephone network or a successor network;

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(5) a term used in a definition in this subsection has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).".

(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:

"1040. Caller ID spoofing.".

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

(a) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ELECTRONIC MAIL.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1037 (Fraud and related activity in connection with electronic mail)," after "1032".

(b) CALLER ID SPOOFING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting

1 "section 1040 (Caller ID spoofing)," before "section
2 1111".

Passed the House of Representatives March 21, 2007.

Attest:

Clerk.

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