

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5304

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IN THE SENATE OF THE UNITED STATES

DECEMBER 9 (legislative day, DECEMBER 8), 2006

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. CALLER ID SPOOFING.**

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

8 **“§ 1039. Caller ID spoofing**

9 “(a) IN GENERAL.—Whoever knowingly modifies  
10 caller ID information with the intent to defraud or harass  
11 another person, or to use another person’s caller ID infor-  
12 mation without consent, shall be fined under this title, im-  
13 prisoned for not more than five years, or both.

14 “(b) ATTEMPT; CONSPIRACY.—Whoever attempts or  
15 conspires to commit an offense under subsection (a) of  
16 this section shall be punished as provided in subsection  
17 (a) of this section.

18 “(c) EXCEPTIONS.—This section does not prohibit  
19 the following:

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

21 “(2) Any lawfully authorized investigative, pro-  
22 tective, or intelligence activity of a law enforcement  
23 agency of the United States, a State, or a political  
24 subdivision of a State, or of an intelligence agency  
25 of the United States, or any activity authorized  
26 under chapter 224 of this title.

1 “(d) DEFINITIONS.—(1) In this section:

2 “(A) The term ‘caller ID information’  
3 means information transmitted—

4 “(i) by a service or device;

5 “(ii) to the recipient of a telephone  
6 call; and

7 “(iii) regarding the telephone number  
8 of, or other information regarding the  
9 origination of, the telephone call.

10 “(B) The term ‘telephone call’ means a  
11 call made using a telecommunications service or  
12 VOIP service.

13 “(C) The term ‘VOIP service’ means a  
14 service that—

15 “(i) provides real-time 2-way voice  
16 communications transmitted through cus-  
17 tomer premises equipment using Trans-  
18 mission Control Protocol/Internet Protocol,  
19 or a successor protocol (including when the  
20 voice communication is converted to or  
21 from Transmission Control Protocol/Inter-  
22 net Protocol by the VOIP service provider  
23 and transmitted to the subscriber without  
24 use of circuit switching), for a fee;

1           “(ii) is offered to the public, or such  
2           classes of users as to be effectively avail-  
3           able to the public (whether part of a bun-  
4           dle of services or separately); and

5           “(iii) has the capability to originate  
6           traffic to, and terminate traffic from, the  
7           public switched telephone network.

8           “(D) The term ‘State’ includes a State of  
9           the United States, the District of Columbia,  
10          and any commonwealth, territory, or possession  
11          of the United States.

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

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

“1039. Caller ID spoofing.”.

Passed the House of Representatives December 9  
(legislative day, December 8), 2006.

Attest:

KAREN L. HAAS,

*Clerk.*