

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 150.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PHONE ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1110

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 Act of 2009" or the "PHONE Act of 2009".

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:

“§ 1041. 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 wrongfully to obtain anything of value; or

“(2) caller ID information pertaining to an actual person or other entity without that person's or entity's consent and with intent to deceive any person or other entity about the identity of the caller;

shall be punished as provided in subsection (b).

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

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

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

“(c) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit 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 section, 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 fraud and related activity in connection with electronic mail), section 1041 (relating to caller ID spoofing),” before “section 1111”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, this measure is aimed at the deceptive telephoning practice called “spoofing,” where a fake caller ID is used to hide one's true identity. Sometimes it can mean simply using the caller ID of another person or business without permission, but sometimes the purpose is to commit fraud or identity theft. Call recipients are sometimes tricked into divulging private, personal information to the spoofer. For example, the AARP has reported cases in which people received calls falsely telling them that they missed jury duty and they were told to avoid prosecution they needed to provide their Social Security num-

ber. The phone number that appeared on their caller ID was from the local courthouse, so people assumed that the call was made truthfully.

Recently, the technology needed to spoof has become readily available through the purchase of Internet telephone equipment, or through Web sites specifically set up for that purpose.

The measure before us today prevents this activity on two levels, with penalties that fit the seriousness of the offense. For providing the caller ID information of another person without consent with the intent to deceive, the penalties are fines and up to 1 year in prison; for providing false caller ID information with the intent to wrongfully obtain something of value, the penalties are fines and up to 5 years imprisonment. In addition, the bill provides for forfeiture of equipment used and proceeds gained by those involved in this activity.

Because it can be used for legitimate law enforcement and intelligence purposes, the bill allows spoofing for lawfully authorized activities of law enforcement. It also does not prohibit the simple use of a fake number to hide the caller's number. Many businesses have opted to use this feature to protect against abusive call-backs. As a matter of fact, the House uses this feature on calls to outside lines. This non-malicious practice is not intended to be reached by the legislation before us.

Finally, I note that the bill was developed in previous Congresses on a bipartisan basis, and I commend my ranking member and the entire Judiciary Committee for the work that has gone into this measure. I urge its support, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1110, the Preventing Harassment Through Outbound Number Enforcement Act, or PHONE Act, addresses caller ID spoofing.

Spoofing is a ploy for obtaining a victim's personal and financial information to commit identity theft and other similar fraud. It involves masking caller ID information to make a fraudulent telephone call to a recipient. Those who engage in spoofing use incorrect, fake or fraudulent caller identification to hide their identity and then obtain personal information from the victim. Call recipients unwittingly divulge their names, addresses or Social Security numbers under the mistaken belief that the caller represents a bank, a credit card company or even a court of law. All too often, a person does not know that their identity has been stolen until it's too late and the damage has been done. This legislation will help law enforcement officials stop identity thieves by cutting off their means of obtaining personal information.

Spoofing not only victimizes the phone call recipient but also invades the privacy of those individuals whose

caller ID is used to mask the fraudulent calls. To address this, the PHONE Act specifically prohibits the use of an actual person's caller ID information for spoofing.

Although the technology needed to spoof has been available for some time, it previously required specialized equipment. Now an identity thief can simply purchase Internet telephone equipment or use a Web site specifically set up for spoofing.

The PHONE Act imposes penalties for modifying a caller ID with the intent to deceive the recipient of a telephone call as to the identity of the caller. This legislation will help deter telephone fraud, protect consumers from harassment, and protect consumers and their personally identifiable information from identity thieves. Similar legislation passed the House with bipartisan support in the last two Congresses. I urge my colleagues to join all of us in supporting this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 1110, the Preventing Harassment through Outbound Number Enforcement, "PHONE," Act of 2009. I strongly support this important piece of legislation that aims to protect Americans from spoofing.

Spoofing involves the use of a false caller ID to hide the caller's true identity in order to commit fraud or some other abusive act. The PHONE Act of 2009 targets spoofing by prohibiting the use of caller ID information to hide the caller's true identity in order to wrongfully obtain anything of value or to commit other abusive acts. In recent years, spoofing technology has become readily available through Internet telephone equipment and Web sites specifically set up to spoof. Because call recipients are under the impression that the telephone call is legitimate, they sometimes divulge personal and private information to the spoofer. Identity thieves have used spoofing to mislead call recipients into revealing personal financial information to commit identity theft, fraudulently authorize stolen credit cards, and to arrange for fraudulent money transfers.

According to the Federal Trade Commission's 2008 Identity Theft Consumer Complaint Data, Georgia ranked 7, out of the 50 States, for identity theft complaints. Last year, Georgians made 10,748 identity theft complaints. The Federal Trade Commission calculated that 111 complaints were made for every 100,000 Georgia residents.

I join the Chairman in urging my colleagues to support this bill. This legislation can protect constituents in my district from identity thieves who use spoofing as their vice.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1110, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 70TH ANNIVERSARY OF RETIREMENT OF JUSTICE LOUIS D. BRANDEIS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 905

Whereas the United States Supreme Court has played a fundamental role in interpreting the Nation's laws;

Whereas Louis D. Brandeis, born in Louisville, Kentucky, on November 13, 1856, led a selfless career as a practicing lawyer helping to create the pro bono tradition in the United States through his devotion to public causes, becoming known as the "people's lawyer" for challenging the power of railroad, bank, and insurance company monopolies;

Whereas Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court;

Whereas Justice Brandeis vastly contributed to constitutional jurisprudence, particularly in the areas of free speech, right to privacy, labor relations, and women's suffrage;

Whereas through the marshalling of evidence and development of the doctrine of judicial notice, Justice Brandeis concerned himself as a citizen, attorney, and Justice of the Supreme Court with the power and role of education in the Nation's democracy;

Whereas Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives;

Whereas Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students;

Whereas Justice Brandeis resigned from the Supreme Court 70 years ago in 1939; and

Whereas, to this day, schools, universities, the United States Postal Service, and other institutions remember the name of Justice Brandeis and commemorate his service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 70th anniversary of Justice Louis D. Brandeis's retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and

(2) directs the Clerk of the House of Representatives to make available enrolled cop-

ies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, this resolution honors Louis D. Brandeis, one of America's greatest jurists and legal minds, on the occasion of the 70th anniversary of his retirement from the United States Supreme Court.

In any listing of great Supreme Court justices, Brandeis would have to be among one of the top three. Among his lasting accomplishments, he has greatly influenced constitutional jurisprudence, especially in the areas of labor relations, free speech, right to privacy, and women's suffrage.

Louis Brandeis was born in Louisville, Kentucky, to Jewish parents who had emigrated from Europe, having come from Bohemia after the Bohemian Revolution trying to create Bohemia as an independent state in the 1850s.

After graduating from Harvard Law School at age 20 with the highest grade average in the college's history, he embarked on a legal career in which he devoted so much of his time and energy to important social justice causes—often pro bono—that he became widely known as "the people's lawyer." Indeed, he pioneered the pro bono legal tradition. In a ranking of lawyers in America, he would have to rank among the top 10, independent of his 23-year service on the United States Supreme Court. He was allowed to enter Harvard Law School even though he wasn't a high school graduate, and he graduated prior to the requisite age of 21 and he was given his degree by special resolution.

His significant contributions are so numerous that it would be impossible to discuss them all, but I will mention a few. In 1890, he and his law partner, Samuel Warren, published an article in the Harvard Law Review entitled *The Right to Privacy*, which is credited with creating the foundation for that right in American constitutional law. Brandeis felt one of the most significant parts of the American experience was people's right to be left alone and that's where the right to privacy came into his thinking as he expressed it in his law work.