

104TH CONGRESS
2D SESSION

H. R. 2986

To establish a criminal penalty for the production, sale, transportation, or possession of fictitious financial instruments purporting to be instruments issued by a public or private entity, to require forfeiture of counterfeit access devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1996

Mr. LEACH (for himself, Mr. BEREUTER, Mr. SCHUMER, Mr. BACHUS, Mrs. MALONEY, Mr. ROYCE, Mrs. KELLY, Mr. HEINEMAN, and Mr. WATTS of Oklahoma) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a criminal penalty for the production, sale, transportation, or possession of fictitious financial instruments purporting to be instruments issued by a public or private entity, to require forfeiture of counterfeit access devices, 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 “Financial Crimes Pre-
5 vention Act of 1996”.

1 **SEC. 2. FICTITIOUS FINANCIAL INSTRUMENTS.**

2 (a) INCREASED PENALTIES FOR COUNTERFEITING
3 VIOLATIONS.—

4 (1) SECTION 474.—Section 474 title 18, United
5 States Code, is amended by striking “Is guilty of a
6 class C felony” and inserting “shall be fined under
7 this title, imprisoned not more than 25 years, or
8 both”.

9 (2) SECTION 474A.—Section 474A of title 18,
10 United States Code, is amended by striking “is
11 guilty of a class C felony” each place such term ap-
12 pears in such section and inserting “shall be fined
13 under this title, imprisoned not more than 25 years,
14 or both”.

15 (b) CRIMINAL PENALTY FOR PRODUCTION, SALE,
16 TRANSPORTATION, OR POSSESSION OF FICTITIOUS FI-
17 NANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF
18 THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRI-
19 VATE ORGANIZATIONS.—

20 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
21 ed States Code, is amended by inserting after sec-
22 tion 513 the following new section:

23 **“§ 514. Fictitious obligations**

24 “(a) IN GENERAL.—Whoever, with the intent to de-
25 fraud—

1 “(1) possesses any fictitious obligation within
2 the United States;

3 “(2) draws, prints, processes, produces, pub-
4 lishes, or otherwise makes any fictitious obligation
5 within the United States;

6 “(3) passes, utters, presents, offers, brokers, is-
7 sues, or sells any fictitious obligation within the
8 United States;

9 “(4) uses an instrumentality of interstate or
10 foreign commerce, including the use of the mails or
11 wire, radio, or other electronic communication, to
12 transmit or transport any fictitious obligation to,
13 from, or through the United States; or

14 “(5) attempts to commit an offense described in
15 paragraph (1), (2), (3), or (4),

16 shall be fined under this title, imprisoned not more than
17 25 years, or both.

18 “(b) FICTITIOUS OBLIGATION DEFINED.—The term
19 ‘fictitious obligation’ means any false or fictitious instru-
20 ment, document, or other item which appears or is pur-
21 ported to be an actual security or other financial instru-
22 ment issued under the authority of the United States, a
23 foreign government, a State or other political subdivision
24 of the United States, or an organization.

1 “(c) INCORPORATED DEFINITIONS.—For purposes of
 2 this section, any term used in this section which is defined
 3 in section 513(c) shall have the meaning given that term
 4 in such section.

5 “(d) INVESTIGATIVE AUTHORITY.—The United
 6 States Secret Service, in addition to any other agency hav-
 7 ing such authority, shall have authority to investigate of-
 8 fenses under this section.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions for chapter 25 of title 18, United States Code,
 11 is amended by inserting after the item relating to
 12 section 513 the following new item:

“514. Fictitious obligations.”.

13 **SEC. 3. FORFEITURE OF COUNTERFEIT ACCESS DEVICES**
 14 **AND OTHER EQUIPMENT.**

15 Section 80302(a) of title 49, United States Code, is
 16 amended—

17 (1) in paragraph (4), by striking “or” the last
 18 place it appears;

19 (2) in paragraph (5), by striking the period and
 20 inserting “; or”; and

21 (3) by adding at the end the following new
 22 paragraph:

23 “(6) a counterfeit access device, device-making
 24 equipment, or scanning receiver (as such terms are
 25 defined in section 1029 of title 18) that is possessed

1 with the intent to defraud in violation of Federal
2 law.”.

