

106TH CONGRESS
2D SESSION

S. 2924

AN ACT

To strengthen the enforcement of Federal statutes relating
to false identification, 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 “Internet False Identi-
5 fication Prevention Act of 2000”.

1 **SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTI-**
2 **FICATION.**

3 (a) IN GENERAL.—The Attorney General and the
4 Secretary of the Treasury shall establish a coordinating
5 committee to ensure, through existing interagency task
6 forces or other means, that the creation and distribution
7 of false identification documents is vigorously investigated
8 and prosecuted.

9 (b) MEMBERSHIP.—The coordinating committee
10 shall consist of the Secret Service, the Federal Bureau of
11 Investigation, the Department of Justice, the Social Secu-
12 rity Administration, and the Immigration and Naturaliza-
13 tion Service.

14 (c) TERM.—The coordinating committee shall termi-
15 nate 2 years after the effective date of this Act.

16 (d) REPORT.—

17 (1) IN GENERAL.—The Attorney General and
18 the Secretary of the Treasury, at the end of each
19 year of the existence of the committee, shall report
20 to the Committees on the Judiciary of the Senate
21 and House of Representatives on the activities of the
22 committee.

23 (2) CONTENTS.—The report referred in para-
24 graph (1) shall include—

25 (A) the total number of indictments and
26 informations, guilty pleas, convictions, and ac-

quittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “or” after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

1 “(7) knowingly produces or transfers a docu-
2 ment-making implement that is designed for use in
3 the production of a false identification document;
4 or”;

5 (2) in subsection (b)(1)(D), by striking “(7)”
6 and inserting “(8)”;

7 (3) in subsection (b)(2)(B), by striking “or (7)”
8 and inserting “, (7), or (8)”;

9 (4) in subsection (c)(3)(A), by inserting “, in-
10 cluding the making available of a document by elec-
11 tronic means” after “commerce”;

12 (5) in subsection (d)—

13 (A) in paragraph (1), by inserting “tem-
14 plate, computer file, computer disc,” after “im-
15 pression,”;

16 (B) by redesignating paragraph (6) as
17 paragraph (8);

18 (C) by redesignating paragraphs (3)
19 through (5) as paragraphs (4) through (6), re-
20 spectively;

21 (D) by inserting after paragraph (2) the
22 following:

23 “(3) the term ‘false identification document’
24 means an identification document of a type intended

1 or commonly accepted for the purposes of identifica-
2 tion of individuals that—

3 “(A) is not issued by or under the author-
4 ity of a governmental entity; and

5 “(B) appears to be issued by or under the
6 authority of the United States Government, a
7 State, political subdivision of a State, a foreign
8 government, political subdivision of a foreign
9 government, an international governmental or
10 an international quasi-governmental organiza-
11 tion;”; and

12 (E) by inserting after paragraph (6), as re-
13 designated (previously paragraph (5)), the fol-
14 lowing:

15 “(7) the term ‘transfer’ includes making avail-
16 able for acquisition or use by others; and”; and

17 (6) by adding at the end the following:

18 “(i) EXCEPTION.—

19 “(1) IN GENERAL.—Subsection (a)(7) shall not
20 apply to an interactive computer service used by an-
21 other person to produce or transfer a document
22 making implement in violation of that subsection
23 except—

1 “(A) to the extent that such service con-
2 spires with such other person to violate sub-
3 section (a)(7);

4 “(B) if, with respect to the particular ac-
5 tivity at issue, such service has knowingly per-
6 mitted its computer server or system to be used
7 to engage in, or otherwise aided and abetted,
8 activity that is prohibited by subsection (a)(7),
9 with specific intent of an officer, director, part-
10 ner, or controlling shareholder of such service
11 that such server or system be used for such
12 purpose; or

13 “(C) if the material or activity available
14 through such service consists primarily of mate-
15 rial or activity that is prohibited by subsection
16 (a)(7).

17 “(2) DEFINITION.—In this subsection, the term
18 ‘interactive computer service’ means an interactive
19 computer service as that term is defined in section
20 230(f) of the Communications Act of 1934 (47
21 U.S.C. 230(f)), including a service, system, or access
22 software provider that—

23 “(A) provides an information location tool
24 to refer or link users to an online location, in-
25 cluding a directory, index, or hypertext link; or

1 “(B) is engaged in the transmission, stor-
2 age, retrieval, hosting, formatting, or trans-
3 lation of a communication made by another per-
4 son without selection or alteration of the con-
5 tent of the communication, other than that
6 done in good faith to prevent or avoid a viola-
7 tion of the law.”.

8 **SEC. 4. REPEAL.**

9 Section 1738 of title 18, United States Code, is re-
10 pealed.

11 **SEC. 5. EFFECTIVE DATE.**

12 This Act and the amendments made by this Act shall
13 take effect 90 days after the date of enactment of this
14 Act.

 Passed the Senate October 31 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

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