

106TH CONGRESS  
2D SESSION

# S. 2924

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2000

Referred to the Committee on the Judiciary

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## 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:

GARY SISCO,  
*Secretary.*