

105TH CONGRESS
2D SESSION

H. R. 3551

To amend title 18, United States Code, relating to identity fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1998

Ms. DELAURO 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 amend title 18, United States Code, relating to identity fraud, 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 “Identity Piracy Act
5 of 1998”.

6 **SEC. 2. IDENTITY THEFT AND DECEPTIVE ASSUMPTION.**

7 (a) ESTABLISHMENT OF OFFENSE.—Chapter 47 of
8 title 18, United States Code, is amended by adding at the
9 end the following:

1 **“§ 1036. Identity theft and deceptive assumption**

2 “(a) PROHIBITION.—Whoever knowingly and with in-
3 tent to deceive or defraud—

4 “(1) obtains or transfers, or attempts to obtain
5 or transfer, any personal identifier, identification de-
6 vice, personal information or data, or other docu-
7 ment or means of identification of any other entity
8 or person;

9 “(2) possesses or uses, or attempts to possess
10 or use, any personal identifier, identification device,
11 personal information or data, or other document or
12 means of identification of any entity or person; or

13 “(3) assumes or uses, or attempts to assume or
14 use, the identity of any other entity or person;

15 shall, if the offense affects interstate or foreign commerce,
16 be punished as provided in subsection (c) of this section.

17 “(b) CONSPIRACY.—Whoever is a party to a conspir-
18 acy of 2 or more persons to commit an offense under sub-
19 section (a), if any of the parties engages in any conduct
20 in furtherance of such offense, shall be fined an amount
21 not greater than the amount provided as the maximum
22 fine for such offense under subsection (c) of this section
23 or imprisoned not longer than one-half the period provided
24 as the maximum imprisonment for such offense under
25 subsection (c) of this section, or both.

26 “(c) PUNISHMENT; RESTITUTION.—

1 “(1) PUNISHMENT.—The punishment for an of-
2 fense under subsection (a) or (b) is a fine under this
3 title or imprisonment for not more than 20 years, or
4 both.

5 “(2) RESTITUTION.—In sentencing any defend-
6 ant convicted of an offense under this section, the
7 court may order, in addition to or in lieu of any
8 other penalty authorized by law, that the defendant
9 make restitution to any victim of the offense. Such
10 restitution may include payment for any costs, in-
11 cluding attorney’s fees, incurred by any victim in
12 clearing any credit history or rating relating to the
13 victim, as well as any civil or administrative proceed-
14 ing required to clear any debt, lien, or other obliga-
15 tion arising as a result of the defendant’s activity.

16 “(d) INVESTIGATIVE AUTHORITY.—In addition to
17 any other agency having such authority, the United States
18 Secret Service may investigate any offense under this sec-
19 tion, except that the exercise of investigative authority
20 under this paragraph shall be subject to the terms of an
21 agreement, which shall be entered into by the Secretary
22 of the Treasury and the Attorney General.

23 “(e) DEFINITIONS.—As used in this section—

24 “(1) the term ‘means of identification’ means
25 any name or number that may be used, alone or in

1 conjunction with any other information, to assume
2 the identity of an individual, including any—

3 “(A) personal identification card (as that
4 term is defined in section 1028); or

5 “(B) access device, counterfeit access de-
6 vice, or unauthorized access device (as those
7 terms are defined in section 1029);

8 “(2) the term ‘personal identifier’ means—

9 “(A) a name, social security number, date
10 of birth, official State or government issued
11 driver’s license or identification number, alien
12 registration number, government passport num-
13 ber, employer or taxpayer identification num-
14 ber, or any access device (as that term is de-
15 fined in section 1029);

16 “(B) any unique biometric data, such as a
17 fingerprint, voice print, retina or iris image, or
18 other unique physical representation;

19 “(C) any unique electronic identification
20 number, address, or routing code; or

21 “(D) any other means of identification not
22 lawfully issued to the user;

23 “(3) the term ‘identification device’ means any
24 physical, mechanical, or electronic representation of

1 a personal identifier or any personal information or
2 data; and

3 “(4) the term ‘personal information or data’
4 means any information that, when used in conjunc-
5 tion with a personal identifier or identification de-
6 vice, would facilitate a misrepresentation or assump-
7 tion of the identity of another.”.

8 (b) SEIZURE AND FORFEITURE.—Section 80302(a)
9 of title 49, United States Code, is amended—

10 (1) in paragraph (5), by striking ‘or’ at the
11 end;

12 (2) in paragraph (6), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(7) an identification document, false identifica-
16 tion document, or a document-making implement (as
17 those terms are defined in sections 1028 and 1029
18 of title 18) involved in a violation of section 1028 or
19 1029 of title 18;

20 “(8) a counterfeit access device, device-making
21 equipment, or scanning receiver (as those terms are
22 defined in sections 1028 and 1029 of title 18); or

23 “(9) a means of identification (as that term is
24 defined in section 1036) involved in a violation of
25 section 1036.”.

1 (c) ANNUAL REPORTING OF IDENTITY THEFT AND
2 ASSUMPTION INFORMATION.—Beginning not later than
3 60 days after the date of the enactment of this Act, the
4 Secretary of the Treasury shall collect and maintain infor-
5 mation and statistical data relating to—

6 (1) the number of identity fraud offenses inves-
7 tigated under section 1036 of title 18, United States
8 Code;

9 (2) the number of prosecutions and convictions
10 under section 1036 of title 18, United States Code;

11 (3) any information provided to the Department
12 of the Treasury by State and local law enforcement
13 agencies relating to the investigation of identity
14 fraud offenses; and

15 (4) any information provided to the Department
16 of the Treasury by financial institutions relating to
17 identity fraud or the financial consequences of iden-
18 tity fraud offenses.

19 (d) IDENTITY FRAUD STUDY.—Within 1 year after
20 the date of the enactment of this Act, the Secretary of
21 the Treasury, in conjunction with the Chairperson of the
22 Federal Trade Commission, shall complete a comprehen-
23 sive study of the extent, nature, and causes of identity
24 fraud, and the threats posed to the Nation’s financial in-
25 stitutions and payment systems, and consumer safety and

1 privacy, and submit to Congress specific legislative rec-
2 ommendations to address these matters.

3 (e) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 47 of title 18, United States
5 Code, is amended by adding at the end the following new
6 item:

“1036. Identity theft and deceptive assumption.”

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