108TH CONGRESS
1ST SESSION

S. 731

To prohibit fraud and related activity in connection with authentication
features, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2003

Mr. BIDEN (for himself and Mr. HATCH) introduced the following bill; which
was read twice and referred to the Committee on the Judiciary

---

A BILL

To prohibit fraud and related activity in connection with
authentication features, 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 "Secure Authentication

5 Feature and Enhanced Identification Defense Act of

6 2003" or "SAFE ID Act".

7 **SEC. 2. FRAUD AND FALSE STATEMENTS.**

8   (a) OFFENSES.—Section 1028(a) of title 18, United

9 States Code, is amended—

2

1   (1) in paragraph (1), by inserting ", authen-
2   tication feature," after "an identification docu-
3   ment";
4   (2) in paragraph (2)—
5   (A) by inserting ", authentication feature,"
6   after "an identification document"; and
7   (B) by inserting "or feature" after "such
8   document";
9   (3) in paragraph (3), by inserting ", authen-
10   tication features," after "possessor)";
11   (4) in paragraph (4)—
12   (A) by inserting ", authentication feature,"
13   after "possessor)"; and
14   (B) by inserting "or feature" after "such
15   document";
16   (5) in paragraph (5), by inserting "or authen-
17   tication feature" after "implement" each place that
18   term appears;
19   (6) in paragraph (6)—
20   (A) by inserting "or authentication fea-
21   ture" before "that is or appears";
22   (B) by inserting "or authentication fea-
23   ture" before "of the United States";
24   (C) by inserting "or feature" after "such
25   document"; and

•**S 731 IS**

1 　　　　(D) by striking "or" at the end;

2 　　　　(7) in paragraph (7), by inserting "or" after

3 　the semicolon; and

4 　　　　(8) by inserting after paragraph (7) the fol-

5 　lowing:

6 　　　　"(8) knowingly traffics in false authentication

7 　features for use in false identification documents,

8 　document-making implements, or means of identi-

9 　fication;".

10 　(b) PENALTIES.—Section 1028(b) of title 18, United

11 States Code, is amended—

12 　　　　(1) in paragraph (1)—

13 　　　　　　(A) in subparagraph (A)—

14 　　　　　　　　(i) by inserting ", authentication fea-

15 　　　　　　ture," before "or false"; and

16 　　　　　　　　(ii) in clause (i), by inserting "or au-

17 　　　　　　thentication feature" after "document";

18 　　　　　　and

19 　　　　　　(B) in subparagraph (B), by inserting ",

20 　　　　authentication features," before "or false"; and

21 　　　　(2) in paragraph (2)(A), by inserting ", authen-

22 　tication feature," before "or a false".

23 　(c) CIRCUMSTANCES.—Section 1028(c)(1) of title 18,

24 United States Code, is amended by inserting ", authen-

1 tication feature,'' before ''or false'' each place that term

2 appears.

3 (d) DEFINITIONS.—Section 1028(d) of title 18,

4 United States Code, is amended—

5 (1) by redesignating paragraphs (1), (2), (3),

6 (4), (5), (6), (7), and (8) as paragraphs (2), (3),

7 (4), (7), (8), (9), (10), and (11), respectively;

8 (2) by inserting before paragraph (2), as redes-

9 ignated, the following:

10 ''(1) the term 'authentication feature' means

11 any hologram, watermark, certification, symbol,

12 code, image, sequence of numbers or letters, or other

13 feature that either individually or in combination

14 with another feature is used by the issuing authority

15 on an identification document, document-making im-

16 plement, or means of identification to determine if

17 the document is counterfeit, altered, or otherwise

18 falsified;'';

19 (3) in paragraph (4)(A), as redesignated, by in-

20 serting ''or was issued under the authority of a gov-

21 ernmental entity but was subsequently altered for

22 purposes of deceit'' after ''entity'';

23 (4) by inserting after paragraph (4), as redesig-

24 nated, the following:

1 ''(5) the term 'false authentication feature'

2 means an authentication feature that—

3   ''(A) is genuine in origin, but, without the

4 authorization of the issuing authority, has been

5 tampered with or altered for purposes of deceit;

6   ''(B) is genuine, but has been distributed,

7 or is intended for distribution, without the au-

8 thorization of the issuing authority and not in

9 connection with a lawfully made identification

10 document, document-making implement, or

11 means of identification to which such authen-

12 tication feature is intended to be affixed or em-

13 bedded by the respective issuing authority; or

14   ''(C) appears to be genuine, but is not;

15 ''(6) the term 'issuing authority'—

16   ''(A) means any governmental entity or

17 agency that is authorized to issue identification

18 documents, means of identification, or authen-

19 tication features; and

20   ''(B) includes the United States Govern-

21 ment, a State, a political subdivision of a State,

22 a foreign government, a political subdivision of

23 a foreign government, or an international gov-

24 ernment or quasi-governmental organization;'';

1 (5) in paragraph (10), as redesignated, by

2 striking ''and'' at the end;

3 (6) in paragraph (11), as redesignated, by

4 striking the period at the end and inserting ''; and'';

5 and

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

7 ''(12) the term 'traffic' means—

8 ''(A) to transport, transfer, or otherwise

9 dispose of, to another, as consideration for any-

10 thing of value; or

11 ''(B) to make or obtain control of with in-

12 tent to so transport, transfer, or otherwise dis-

13 pose of.''.

14 (e) ADDITIONAL PENALTIES.—Section 1028 of title

15 18, United States Code, is amended—

16 (1) by redesignating subsection (h) as sub-

17 section (i); and

18 (2) by inserting after subsection (g) the fol-

19 lowing:

20 ''(h) FORFEITURE; DISPOSITION.—In the cir-

21 cumstance in which any person is convicted of a violation

22 of subsection (a), the court shall order, in addition to the

23 penalty prescribed, the forfeiture and destruction or other

24 disposition of all illicit authentication features, identifica-

1 tion documents, document-making implements, or means

2 of identification.''.

3   (f) TECHNICAL AND CONFORMING AMENDMENT.—

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

5 in the heading by inserting "**, AUTHENTICATION FEA-**

6 **TURES,**" after "**DOCUMENTS**".

○