

“(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;” and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

“(7) the term ‘transfer’ includes making available for acquisition or use by others; and”;

(6) by adding at the end the following:

“(i) EXCEPTION.—

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

“(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

“(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

“(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

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

“(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

“(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.”.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

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

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted for Dr. Cate McClain, a fellow with the Aging Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE ENFORCEMENT BY STATE AND LOCAL GOVERNMENTS OF FCC REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2346, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4354

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. FEINGOLD, for himself, Mr. ABRAHAM, and Mr. LEVIN, proposes an amendment numbered 4354.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

“(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

“(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

“(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

“(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

“(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

“(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

“(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

“(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

“(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its author-

ity in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

“(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

“(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

“(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a ‘commercial motor vehicle’, as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).”.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4354) was agreed to.

The bill (H.R. 2346), as amended, was read the third time and passed.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 861, which is S. 2924.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2924) to strengthen enforcement of Federal statutes relating to false identification, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet False Identification Prevention Act of 2000”.

SEC. 2. SPECIAL TASK FORCE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—*The Attorney General and the Secretary of the Treasury shall establish a task force to investigate and prosecute the creation and distribution of false identification documents.*

(b) MEMBERSHIP.—*The task force shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.*

(c) TERM.—*The task force shall terminate 2 years after the effective date of this Act.*

(d) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated such sums as are necessary to carry out this section.*