

**AMENDMENT TO H.R. 467, AS REPORTED
OFFERED BY MR. PAPPAS OF NEW HAMPSHIRE**

Add at the end the following:

1 SEC. 7. DARK WEB INTERDICTION.

2 (a) FINDINGS.—Congress finds the following:

3 (1) The dark web is made up of websites and
4 other network services that leverage overlay net-
5 works providing anonymity. These overlay networks
6 use the internet but require specific software and
7 configurations to access. The overlay networks use
8 multiple encrypted traffic relays for which an indi-
9 vidual relay computer knows its source of informa-
10 tion and where the individual computer is sending
11 the information but never knows both the original
12 source and ultimate destination of the traffic simul-
13 taneously. This anonymity has provided criminals
14 with the ability to host illicit material in a way that
15 circumvents the ability of law enforcement agencies
16 to serve legal process to remove or effectively inves-
17 tigate websites offering illegal content or goods for
18 purchase or sharing.

19 (2) Dark web marketplaces include e-commerce
20 websites based on the dark web on which individuals

1 use virtual currencies to engage in transactions in-
2 volving drugs, weapons, malware, counterfeit cur-
3 rency, stolen credit cards, personal identifying infor-
4 mation, forged documents, unlicensed pharma-
5 ceuticals, and other illicit goods.

6 (3) Due to the anonymity provided by the dark
7 web, illicit activities can be hosted from anywhere in
8 the world without accountability to—

9 (A) the Federal Government;

10 (B) Federal laws; or

11 (C) any other government or system of
12 laws.

13 (4) The use of the dark web to distribute illegal
14 drugs has contributed and continues to contribute to
15 the substance abuse crisis that is devastating com-
16 munities across the United States. This devastation
17 is due in large part to the fact that the dark web
18 has made illicit goods obtainable anonymously.

19 (5) Law enforcement agencies at every level of
20 government continue to investigate drug trafficking
21 and the sale of illegal goods and services through the
22 dark web that occurs as a result of interactions on
23 the dark web, both within the United States and at
24 the international border of the United States, but
25 the increased anonymity the internet provides has

1 made it more difficult to identify and prosecute the
2 individuals and organizations who—

3 (A) administer or otherwise operate
4 websites on the dark web that facilitate the dis-
5 tribution of illegal drugs, goods, or services; or

6 (B) buy and sell illegal drugs, goods, or
7 services through illicit marketplaces hosted on
8 the dark web.

9 (6) Despite difficulties in identifying and locat-
10 ing individuals and organizations who engage in
11 drug trafficking on the dark web, law enforcement
12 agencies have been effective in investigating and
13 prosecuting the distribution of illegal drugs through
14 illicit marketplaces on the dark web, as evidenced by
15 Operation DisrupTor, which—

16 (A) was announced in September 2020;

17 (B) resulted in—

18 (i) 179 arrests worldwide, including
19 121 arrests in the United States;

20 (ii) the seizure of approximately 500
21 kilograms of drugs worldwide, including
22 274 kilograms of drugs in the United
23 States; and

1 (iii) the seizure of more than
2 \$6,500,000 worth of virtual currencies and
3 cash; and

4 (C) is an example of one of many cases
5 conducted jointly by—

6 (i) the Federal Bureau of Investiga-
7 tion;

8 (ii) the Drug Enforcement Adminis-
9 tration;

10 (iii) Immigration and Customs En-
11 forcement;

12 (iv) Homeland Security Investigations;

13 (v) United States Customs and Bor-
14 der Protection;

15 (vi) the United States Postal Inspec-
16 tion Service;

17 (vii) the Financial Crimes Enforce-
18 ment Network;

19 (viii) the Bureau of Alcohol, Tobacco,
20 Firearms and Explosives;

21 (ix) the Naval Criminal Investigative
22 Service;

23 (x) the Department of Justice;

24 (xi) the Department of Defense; and

1 (xii) additional local, State, and inter-
2 national law enforcement partners.

3 (7) Although law enforcement agencies have
4 succeeded in investigating the distribution and sale
5 of illegal drugs, goods, and services that occurs as
6 a result of interactions on the dark web, investiga-
7 tive and prosecutorial collaboration, innovation, and
8 advancement are critical to—

9 (A) increasing the capacity to combat the
10 threat posed by the dark web and the illicit
11 marketplaces hosted on the dark web; and

12 (B) enhancing collaboration and coordina-
13 tion among Federal, State, Tribal, local, inter-
14 national and other law enforcement partners, as
15 appropriate.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the dark web and illicit marketplaces hosted
19 on the dark web facilitate the distribution of illegal
20 drugs and pose a unique threat to the public health
21 and national security in the United States; and

22 (2) Congress should—

23 (A) support law enforcement agencies and
24 prosecutors at the Federal, State, Tribal, local,
25 and international levels in their efforts to inves-

1 tigate and prosecute the distribution of illegal
2 drugs, goods, and services through the dark
3 web; and

4 (B) increase the investigative and prosecu-
5 torial tools available to law enforcement agen-
6 cies and prosecutors to address the distribution
7 of illegal drugs, goods, and services through the
8 dark web.

9 (c) DEFINITIONS.—In this section:

10 (1) DARK WEB.—The term “dark web” has the
11 meaning given the term in subsection (i) of section
12 401 of the Controlled Substances Act (21 U.S.C.
13 841), as added by subsection (d) of this section.

14 (2) DIRECTOR.—The term “Director” means
15 the Director of the task force.

16 (3) ILLICIT MARKETPLACE.—The term “illicit
17 marketplace” means a website on the dark web on
18 which individuals can use virtual currency to engage
19 in transactions involving drugs, weapons, malware,
20 counterfeit currency, stolen credit cards, personal
21 identifying information, forged documents, or other
22 illicit goods.

23 (4) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term “Indian tribe” in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

3 (5) OPIOID.—The term “opioid” has the mean-
4 ing given the term in section 102 of the Controlled
5 Substances Act (21 U.S.C. 802).

6 (6) TASK FORCE.—The term “task force”
7 means the Joint Criminal Opioid and Darknet En-
8 forcement Task Force established under section
9 5(a)(1).

10 (d) OFFENSES INVOLVING THE DARK WEB.—Section
11 401 of the Controlled Substances Act (21 U.S.C. 841) is
12 amended by adding at the end the following:

13 “(i) OFFENSES INVOLVING DISPENSING OF CON-
14 TROLLED SUBSTANCES BY MEANS OF THE DARK WEB.—

15 “(1) DEFINITION OF DARK WEB.—In this sub-
16 section, the term ‘dark web’ means a portion of the
17 internet in which there are hidden sites and services
18 that—

19 “(A) are not indexed by an internet search
20 engine; and

21 “(B) are only accessible to users of specific
22 devices, software, routing and anonymizing
23 services, authorizations, or configurations that
24 conceal the identities and locations of users.

1 “(2) OFFENSE.—It shall be unlawful for any
2 person to knowingly or intentionally—

3 “(A) deliver, distribute, or dispense a con-
4 trolled substance by means of the dark web, ex-
5 cept as authorized by this title; or

6 “(B) aid or abet (as such terms are used
7 in section 2, title 18, United States Code) any
8 activity described in subparagraph (A) that is
9 not authorized by this title.

10 “(3) PENALTY.—Pursuant to its authority
11 under section 994 of title 28, United States Code,
12 the United States Sentencing Commission shall
13 amend the Federal sentencing guidelines and policy
14 statements to provide for a 2-level increase above the
15 sentence otherwise applicable for a violation of para-
16 graph (2).”.

17 (e) JOINT CRIMINAL OPIOID AND DARKNET EN-
18 FORCEMENT TASK FORCE.—

19 (1) ESTABLISHMENT.—

20 (A) IN GENERAL.—There is established in
21 the Federal Bureau of Investigation an inter-
22 agency program that shall be known as the
23 Joint Criminal Opioid and Darknet Enforce-
24 ment Task Force.

1 (B) DIRECTOR.—The task force shall be
2 headed by a Director, who shall be appointed by
3 the President, by and with the advice and con-
4 sent of the Senate.

5 (2) PURPOSE.—The purpose of the task force
6 shall be to detect, disrupt, and dismantle illicit mar-
7 ketplaces.

8 (3) COMPONENTS.—

9 (A) REPRESENTATIVES.—The task force
10 shall include representatives from—

11 (i) the Federal Bureau of Investiga-
12 tion;

13 (ii) the Drug Enforcement Adminis-
14 tration;

15 (iii) the United States Postal Inspec-
16 tion Service;

17 (iv) Immigration and Customs En-
18 forcement;

19 (v) the Bureau of Alcohol, Tobacco,
20 Firearms and Explosives;

21 (vi) Homeland Security Investigations;

22 (vii) United States Customs and Bor-
23 der Protection;

24 (viii) the Department of Defense;

1 (ix) the Financial Crimes Enforce-
2 ment Network; and

3 (x) the Department of Justice.

4 (B) CONSULTATION.—The Director may
5 consult with any State, Tribal, local, or inter-
6 national department or agency the Director de-
7 termines necessary to carry out the purpose of
8 the task force described in paragraph (2).

9 (4) DUTIES AND FUNCTIONS.—To further the
10 purpose of the task force described in paragraph (2),
11 the task force shall—

12 (A) engage in—

13 (i) proactive and reactive investiga-
14 tions; and

15 (ii) forensic and cyberforensic exami-
16 nations;

17 (B) provide forensic and cyberforensic,
18 technical, preventive, and investigative training
19 and assistance to—

20 (i) prosecutors; and

21 (ii) law enforcement agencies;

22 (C) develop best practices to assist Fed-
23 eral, State, Tribal, and local law enforcement
24 agencies, prosecutors, and others, as appro-
25 priate, in the collection of evidence in order to

1 determine and investigate possible nexuses to
2 the dark web and virtual assets, including—

3 (i) evidence logging;

4 (ii) evidence maintenance; and

5 (iii) evidence sharing;

6 (D) develop multijurisdictional and multi-
7 agency responses and partnerships with Fed-
8 eral, international, local, non-profit organiza-
9 tions, and other law enforcement agencies, as
10 appropriate, by—

11 (i) establishing procedures for infor-
12 mation sharing;

13 (ii) establishing lists of recommended
14 specialized equipment and tools to inves-
15 tigate and prosecute the distribution of il-
16 licit drugs, goods, and services on the dark
17 web; and

18 (iii) helping the agencies acquire the
19 necessary knowledge, personnel, and spe-
20 cialized equipment to investigate and pros-
21 ecute the distribution of illegal drugs,
22 goods, and services through the dark web;

23 (E) create novel investigative approaches
24 to—

1 (i) target emerging technologies that
2 facilitate the distribution of opioids
3 through illicit marketplaces on the dark
4 web; and

5 (ii) build forensic capacity and exper-
6 tise to meet the challenges posed by the
7 technologies;

8 (F) enhance collaboration and coordination
9 with international partners; and

10 (G) engage in any other activities the Di-
11 rector determines necessary to carry out the du-
12 ties of the task force.

13 (5) GUIDANCE AND TRAINING.—The task force
14 shall provide guidance and training to officers and
15 employees of the Federal Bureau of Investigation
16 and other Federal, international, and other law en-
17 forcement agencies, as appropriate, relating to—

18 (A) techniques and procedures to—

19 (i) recognize evidence or potential evi-
20 dence relating to the dark web; and

21 (ii) identify and recognize patterns
22 and practices relating to the distribution of
23 illegal drugs, services, and goods through
24 the dark web;

1 (B) the types of information that should be
2 collected and recorded in information tech-
3 nology systems used by the Federal Bureau of
4 Investigation to help—

5 (i) identify administrators and opera-
6 tors of illicit marketplaces;

7 (ii) identify vendors, buyers, and other
8 individuals involved in the distribution of
9 opioids through illicit marketplaces; and

10 (iii) detect, disrupt, and dismantle il-
11 licit marketplaces;

12 (C) procedures for systematic and routine
13 information sharing within the Federal Bureau
14 of Investigation and between Federal, State,
15 Tribal, and local law enforcement agencies; and

16 (D) any other training or guidance the Di-
17 rector determines necessary to carry out the du-
18 ties of the task force.

19 (6) REPORT.—Not later than 1 year after the
20 date of enactment of this section, and annually
21 thereafter, the Director of the Federal Bureau of In-
22 vestigation, acting through the Director, shall sub-
23 mit to the Committee on the Judiciary of the Senate
24 and the Committee on the Judiciary of the House of

1 Representatives a report, which shall include, for the
2 previous year—

3 (A) a summary of the activities and accom-
4 plishments of the task force;

5 (B) a description of the investigative meth-
6 ods used by the task force, including an assess-
7 ment of the effectiveness of the methods;

8 (C) information on investigation and pros-
9 ecution performance measures for the task
10 force, including—

11 (i) the number of investigations the
12 task force conducted or assisted;

13 (ii) the number of illicit marketplaces
14 detected, disrupted, or dismantled as a re-
15 sult of an investigation conducted or as-
16 sisted by the task force;

17 (iii) the number of arrests relating to
18 an investigation conducted or assisted by
19 the task force; and

20 (iv) statistics that account for the dis-
21 position of investigations by the task force
22 that did not result in an arrest or a pros-
23 ecution;

24 (D) an assessment of partnerships between
25 the task force and other Federal, State, Tribal,

1 and local law enforcement agencies, including
2 the effectiveness of guidance and training pro-
3 vided by the task force to personnel of other
4 Federal, State, Tribal, and law enforcement
5 agencies;

6 (E) an evaluation of the collaboration and
7 coordination between the task force and inter-
8 national partners;

9 (F) recommendations for additional con-
10 gressional or legislative action, as appropriate,
11 that would be useful or necessary to achieve the
12 purpose of the task force described in para-
13 graph (2);

14 (G) a summary of how transactions involv-
15 ing the distribution of illegal drugs, goods, and
16 services through the dark web are financed;

17 (H) a description of a plan to increase the
18 capacity to investigate the distribution of illegal
19 drugs, goods, and services through the dark
20 web; and

21 (I) recommendations for additional con-
22 gressional or legislative action, as appropriate,
23 that would improve the efforts of Federal agen-
24 cies to detect, disrupt, and dismantle illicit mar-
25 ketplaces, including efforts to identify individ-

1 uals and groups involved in the distribution of
2 illegal drugs, goods, and services through the
3 dark web.

4 (7) FUNDING.—The Director shall carry out
5 this section using amounts otherwise made available
6 to the Attorney General.

7 (8) SUNSET.—This section shall cease to have
8 force or effect on the date that is 5 years after the
9 date of enactment of this section.

10 (f) REPORT ON VIRTUAL CURRENCIES.—Not later
11 than 1 year after the date of enactment of this section,
12 the Attorney General, in consultation with the Secretary
13 of the Treasury and the Secretary of Homeland Security,
14 shall submit to Congress a report on the use of virtual
15 currencies in the distribution of opioids through illicit
16 marketplaces on the dark web, which shall include—

17 (1) a summary of how virtual currencies are—

18 (A) used to finance transactions involving
19 the distribution of opioids through illicit mar-
20 ketplaces on the dark web; and

21 (B) exchanged in the course of trans-
22 actions described in subparagraph (A), includ-
23 ing transactions involving—

24 (i) peer-to-peer networks;

25 (ii) virtual currency;

1 (iii) money transmitters; or

2 (iv) other financial institutions;

3 (2) the number of instances involving the dis-
4 tribution of opioids through illicit marketplaces on
5 the dark web in which an individual involved used a
6 virtual currency to finance the distribution;

7 (3) the most common types of virtual currencies
8 used by individuals involved in the distribution of
9 opioids through illicit marketplaces on the dark web;

10 (4) an assessment of the capacity to investigate
11 the use of virtual currencies in the distribution of
12 opioids through illicit marketplaces on the dark web,
13 including—

14 (A) efforts to assist financial institutions
15 in detecting, identifying, and reporting sus-
16 picious activity and money laundering;

17 (B) efforts to obtain financial records and
18 other documents from virtual currency opera-
19 tors and exchanges;

20 (C) training and guidance to Federal,
21 State, Tribal, and local law enforcement agen-
22 cies and prosecutors; and

23 (D) coordination and collaboration with
24 international partners; and

1 (5) recommendations for additional congres-
2 sional or legislative action that would improve the ef-
3 forts of Federal agencies to detect, disrupt, and dis-
4 mantle illicit marketplaces on the dark web, includ-
5 ing efforts to identify individuals using virtual cur-
6 rencies in the distribution of opioids through illicit
7 marketplaces on the dark web.

8 (g) FIVE YEAR UPDATE.—It is the sense of Congress
9 that, not less frequently than once every 5 years, Congress
10 should evaluate and, if necessary, update the definition of
11 the term “dark web” in section 401(i) of the Controlled
12 Substances Act (21 U.S.C. 841(i)), as added by subsection
13 (d) of this section.

14 (h) SEVERABILITY.—If any portion of this section, or
15 the amendments made by this section, or the application
16 thereof to any person or circumstance is held invalid, the
17 remainder of this section and the amendments made by
18 this section, and the application of this section or the
19 amendments made by this section to other persons not
20 similarly situated or to other circumstances shall not be
21 affected by the invalidation.

