

Union Calendar No. 94

105TH CONGRESS
1ST SESSION

H. R. 1847

[Report No. 105-158]

To improve the criminal law relating to fraud against consumers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. GOODLATTE introduced the following bill; which was referred to the
Committee on the Judiciary

JUNE 26, 1997

Additional sponsors: Mr. MCCOLLUM, Mr. BUYER, and Mr. WEXLER

JUNE 26, 1997

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 10, 1997]

A BILL

To improve the criminal law relating to fraud against
consumers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Telemarketing Fraud*
3 *Prevention Act of 1997”.*

4 **SEC. 2. FORFEITURE OF FRAUD PROCEEDS.**

5 *Section 982(a) of title 18, United States Code, is*
6 *amended by adding at the end the following:*

7 *“(8) The Court, in sentencing a defendant for an of-*
8 *fense under section 2326, shall order that the defendant for-*
9 *feit to the United States any real or personal property—*

10 *“(A) used or intended to be used to commit or*
11 *to promote the commission of such offense, if the court*
12 *in its discretion so determines, taking into consider-*
13 *ation the nature, scope, and proportionality of the use*
14 *of the property in the offense; and*

15 *“(B) constituting, derived from, or traceable to*
16 *the gross proceeds that the defendant obtained directly*
17 *or indirectly as a result of the offense.”.*

18 **SEC. 3. SENTENCING GUIDELINES CHANGES.**

19 *Pursuant to its authority under section 994(p) of title*
20 *28, United States Code, the United States Sentencing Com-*
21 *mission shall review and amend the sentencing guidelines*
22 *to provide a sentencing enhancement for any offense listed*
23 *in section 2326 of title 18, United States Code—*

24 *(1) by at least 4 levels if the circumstances au-*
25 *thorizing an additional term of imprisonment under*
26 *section 2326(1) are present; and*

1 (2) by at least 8 levels if the circumstances au-
2 thorizing an additional term of imprisonment under
3 section 2326(2) are present.

4 **SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LO-**
5 **CATION TO EVADE PROSECUTION.**

6 Pursuant to its authority under section 994(p) of title
7 28, United States Code, the United States Sentencing Com-
8 mission shall amend the sentencing guidelines to increase
9 the offense level for any fraud offense by at least 2 levels
10 if the defendant conducted activities to further the fraud
11 from a foreign country.

12 **SEC. 5. SENTENCING COMMISSION DUTIES.**

13 The Sentencing Commission shall ensure that the sen-
14 tences, guidelines, and policy statements for offenders con-
15 victed of offenses described in sections 3 and 4 are appro-
16 priately severe and reasonably consistent with other rel-
17 evant directives and with other guidelines.

18 **SEC. 6. CLARIFICATION OF ENHANCEMENT OF PENALTIES.**

19 Section 2327(a) of title 18, United States Code, is
20 amended by striking “under this chapter” and inserting
21 “for which an enhanced penalty is provided under section
22 2326 of this title”.

1 **SEC. 7. ADDITION OF CONSPIRACY OFFENSES TO SECTION**
2 **2326 ENHANCEMENT.**

3 *Section 2326 of title 18, United States Code, is amend-*
4 *ed by inserting “, or a conspiracy to commit such an of-*
5 *fense,” after “or 1344”.*

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