

105TH CONGRESS
1ST SESSION

H. R. 474

To improve the criminal law relating to fraud against consumers.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

Mr. GOODLATTE (for himself, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. CANADY of Florida, Mr. SMITH of Texas, Mr. COBLE, Mr. SCHIFF, Mr. BOUCHER, Mrs. CUBIN, Mr. COMBEST, Mr. GEKAS, Mr. BURR of North Carolina, Mr. EHLERS, Mr. SMITH of Oregon, Mr. CALVERT, Mr. McKEON, Mr. WICKER, Mr. BARR of Georgia, Mr. JONES, Mr. McHUGH, Mr. FOX of Pennsylvania, Mr. WELLER, Mr. BONO, Mr. DAVIS of Virginia, Mrs. MORELLA, Mr. GALLEGLY, Mr. CHABOT, Mr. MCINTOSH, Mr. PAXON, Mr. WAMP, Mr. LINDER, Mr. QUINN, Mr. RIGGS, Mr. STEARNS, and Mr. BUYER) introduced the following bill; which was referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telemarketing Fraud
5 Prevention Act of 1997”.

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

2 (a) CIVIL.—Section 981(a)(1) of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 “(G) Any property, real or personal, con-
6 stituting, derived from, or traceable to, any pro-
7 ceeds obtained directly or indirectly to a viola-
8 tion of section 2326. Notwithstanding any other
9 provision of law, any property forfeited under
10 this subparagraph, or the proceeds of such
11 property, shall be used, to the extent needed, as
12 determined by the Attorney General, for the na-
13 tional information hotline established under sec-
14 tion 250008 of the Violent Crime Control and
15 Law Enforcement Act of 1994 and other en-
16 forcement of section 2326.”.

17 (b) CRIMINAL.—Section 982(a) of title 18, United
18 States Code, is amended by adding at the end the follow-
19 ing:

20 “(6) The Court, in sentencing an offender
21 under section 2326, shall order that the offender
22 forfeit to the United States any real or personal
23 property constituting or derived from proceeds that
24 the offender obtained directly or indirectly as a re-
25 sult of the offense. Any property forfeited under this
26 paragraph, or the proceeds of such property, shall be

1 used, to the extent needed, as determined by the At-
2 torney General, for the national information hotline
3 established under section 250008 of the Violent
4 Crime Control and Law Enforcement Act of 1994
5 and other enforcement of section 2326.”.

6 **SEC. 3. PRIORITY FOR MANDATORY RESTITUTION.**

7 Section 2327(a) of title 18, United States Code, is
8 amended by adding at the end “The payment of an
9 amount due pursuant to such restitution shall have prior-
10 ity over the payment of any fine or the forfeiture of any
11 property under section 982(a)(6) from which such pay-
12 ment could be made or derived.”.

13 **SEC. 4. SENTENCING IN CASES WITH VULNERABLE VIC-**
14 **TIMS.**

15 The United States Sentencing Commission shall
16 amend the sentencing guidelines to increase by 2 levels
17 the vulnerable victim adjustment.

18 **SEC. 5. INCREASED PUNISHMENT FOR USE OF FOREIGN**
19 **LOCATION TO EVADE PROSECUTION.**

20 The United States Sentencing Commission shall
21 amend the sentencing guidelines to increase the offense
22 level for any fraud offense by 2 levels if defendant con-
23 ducted activities to further the fraud from a foreign coun-
24 try in order to impede prosecution for the offense.

1 **SEC. 6. INFORMATION ABOUT VICTIMS OF CERTAIN**
2 **CRIMES.**

3 Any presentence report required under the Federal
4 Rules of Criminal Procedure shall include information
5 about the age of each victim of each fraud offense for
6 which a defendant is convicted.

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