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104TH CONGRESS
1ST SESSION

H. R. 1499

To improve the criminal law relating to fraud against consumers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1995

Mr. HEINEMAN (for himself, Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. BURR, Mr. JONES, Mrs. MYRICK, Mr. ACKERMAN, Mr. BLUTE, Mr. BONO, Mr. BRYANT of Tennessee, Mr. CALVERT, Mrs. COLLINS of Illinois, Mr. COOLEY, Mr. CUNNINGHAM, Mr. FOX of Pennsylvania, Mr. HOKE, Mr. HOLDEN, Mr. KING, Mr. LIPINSKI, Mr. MCHUGH, Mr. METCALF, Mr. PAXON, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. BALLENGER) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To improve the criminal law relating to fraud against consumers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Fraud Prevention Act of 1995".

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SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

(a) CIVIL.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(G) Any property, real or personal, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly to a violation of section 2326. Notwithstanding any other provision of law, any property forfeited under this subparagraph, or the proceeds of such property, shall be used, to the extent needed, as determined by the Attorney General, for the national information hotline established under section 250008 of the Violent Crime Control and Law Enforcement Act of 1994 and other enforcement of section 2326.".

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

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense. Any property forfeited under this paragraph, or the proceeds of such property, shall be

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used, to the extent needed, as determined by the Attorney General, for the national information hotline established under section 250008 of the Violent Crime Control and Law Enforcement Act of 1994 and other enforcement of section 2326.".

SEC. 3. PRIORITY FOR MANDATORY RESTITUTION.

Section 2327(a) of title 18, United States Code, is amended by adding at the end "The payment of an amount due pursuant to such restitution shall have priority over the payment of any fine or the forfeiture of any property under section 982(a)(6) from which such payment could be made or derived."

SEC. 4. SENTENCING IN CASES WITH VULNERABLE VICTIMS.

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

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

The United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by 2 levels if defendant conducted activities to further the fraud from a foreign country in order to impede prosecution for the offense.

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SEC. 6. INFORMATION ABOUT VICTIMS OF CERTAIN CRIMES.

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

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