

104TH CONGRESS
1ST SESSION

H. R. 1094

To amend the Food Stamp Act of 1977 to reduce fraud by establishing forfeiture applicable to property exchanged, used in, or resulting from trafficking in food stamp benefits.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1995

Mr. DURBIN (for himself, Mr. SKEEN, and Mr. GUNDERSON) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Stamp Act of 1977 to reduce fraud by establishing forfeiture applicable to property exchanged, used in, or resulting from trafficking in food stamp benefits.

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 “Food Stamp Fraud
5 Prevention Act of 1995”.

1 **SEC. 2. FORFEITURE OF ITEMS EXCHANGED IN FOOD**
2 **STAMP TRAFFICKING.**

3 Section 15(g) of the Food Stamp Act of 1977 (7
4 U.S.C. 2024(g)) is amended by striking “or intended to
5 be furnished”.

6 **SEC. 3. CIVIL AND CRIMINAL FORFEITURE.**

7 Section 15 of the Food Stamp Act of 1977 (7 U.S.C.
8 2024) is amended by adding at the end the following:

9 “(h)(1)(A) Any food stamp benefits and any prop-
10 erty, real or personal (except for property specified in sub-
11 section (g))—

12 “(i) constituting, derived from, or traceable to,
13 any proceeds obtained directly or indirectly from; or

14 “(ii) used, or intended to be used, to commit,
15 or to facilitate;

16 the commission of a violation of subsection (b) or (c) in-
17 volving food stamp benefits having an aggregate value of
18 not less than \$5,000, shall be subject to forfeiture to the
19 United States.

20 “(B) The provisions of chapter 46 of title 18, United
21 States Code, relating to civil forfeitures, shall extend to
22 a seizure or forfeiture under subparagraph (A), insofar as
23 applicable and not inconsistent with the provisions hereof.

24 “(2)(A) Any person convicted of violating subsection
25 (b) or (c) involving food stamp benefits having an aggre-

1 gate value of not less than \$5,000, shall forfeit to the
2 United States, irrespective of any State law provision—

3 “(i) any food stamp benefits and any property
4 constituting, or derived from, or traceable to any
5 proceeds the person obtained directly or indirectly as
6 the result of such violation, except for property spec-
7 ified in subsection (g); and

8 “(ii) any food stamp benefits and any of the
9 person’s property used, or intended to be used, in
10 any manner or part, to commit, or to facilitate the
11 commission of such violation, except for property
12 specified in subsection (g).

13 In imposing sentence on such person, the court shall order
14 that the person forfeit to the United States all property
15 described in this subparagraph.

16 “(B) All food stamp benefits and any property sub-
17 ject to forfeiture under subparagraph (A), any seizure and
18 disposition thereof, and any administrative or judicial pro-
19 ceeding relating thereto, shall be governed by subsections
20 (b), (c), (e), and (g) through (p) of section 413 of the
21 Comprehensive Drug Abuse Prevention and Control Act
22 of 1970 (21 U.S.C. 853), insofar as applicable and not
23 inconsistent with the provisions hereof.

24 “(3) To the extent provided in appropriations Acts—

1 “(A) moneys forfeited and proceeds from any
2 sale of property forfeited under this subsection or
3 subsection (g) shall be used to reimburse Federal
4 law enforcement agencies for costs incurred in initi-
5 ating and completing the forfeiture proceeding that
6 resulted in the forfeiture of such moneys or the sale
7 of such property; and

8 “(B) an equitable share of the remaining mon-
9 eys and proceeds from forfeitures related to inves-
10 tigations in which the Office of the Inspector Gen-
11 eral participated shall be transferred to the Office of
12 the Inspector General for law enforcement activities
13 authorized under the Inspector General Act of 1978,
14 to remain available until expended.”.

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