

Suspend the Rules and Pass the Bill, H.R. 8225, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

H. R. 8225

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2020

Ms. MUCARSEL-POWELL (for herself and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain types of fraud in the provision of immigration services, and for other purposes.

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 “Fight Notario Fraud
5 Act of 2020”.

1 **SEC. 2. FRAUD PROHIBITED.**

2 (a) IN GENERAL.—Chapter 47 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 1041. Schemes to defraud persons in any matter**
6 **arising under immigration laws**

7 “(a) FRAUD.—Any person who knowingly executes a
8 scheme or artifice, in connection with any matter author-
9 ized by or arising under the immigration laws, or any mat-
10 ter that such person claims or represents is authorized by
11 or arises under the immigration laws to—

12 “(1) defraud any other person; or

13 “(2) obtain or receive money or anything else of
14 value from any other person by means of false or
15 fraudulent pretenses, representations, or promises,
16 shall be fined under this title, imprisoned not more than
17 1 year, or both.

18 “(b) MISREPRESENTATION.—Any person who know-
19 ingly makes a false representation that such person is an
20 attorney or an accredited representative (as such term is
21 defined under section 1292.1(a)(4) of title 8, Code of Fed-
22 eral Regulations (or any successor regulation)) in any
23 matter arising under the immigration laws shall be fined
24 under this title, imprisoned not more than 1 year, or both.

25 “(c) THREATS AND RETALIATION.—Any person who
26 violates subsection (a) and knowingly—

1 “(1) threatens to report another person to Fed-
2 eral authorities or State law enforcement authorities
3 working in conjunction with or pursuant to Federal
4 authority;

5 “(2) acts to adversely affect another person’s
6 immigration status, perceived immigration status, or
7 attempts to secure immigration status that—

8 “(A) impacts or results in the removal of
9 the person from the United States;

10 “(B) leads to the loss of immigration sta-
11 tus; or

12 “(C) causes the person seeking to apply for
13 an immigration benefit to lose an opportunity
14 to apply for such an immigration benefit that
15 would have provided immigration status and for
16 which a person was prima facie eligible; or

17 “(3) demands or retains money or anything else
18 of value for services fraudulently performed or not
19 performed or withholds or threatens to withhold
20 services promised to be performed,

21 shall be fined under this title, imprisoned not more than
22 1 year, or both.

23 “(d) GRAVITY OF OFFENSE.—

24 “(1) CUMULATIVE LOSS.—Any person who vio-
25 lates subsection (a), (b), or (c) such that the cumu-

1 relative loss to all victims exceeds \$10,000 may be im-
2 prisoned not more than 3 years, fined under this
3 title, or both.

4 “(2) RETALIATION.—Any person who violates
5 subsection (a) or (b) and causes the harm described
6 in subsection (c)(2) may be imprisoned not more
7 than 3 years, fined under this title, or both.

8 “(e) INFORMATION SHARING AND ENFORCEMENT.—

9 “(1) IN GENERAL.—The Immigrant and Em-
10 ployee Rights Section of the Civil Rights Division of
11 the Department of Justice—

12 “(A) shall have primary enforcement re-
13 sponsibility for this section and shall be con-
14 sulted prior to a United States Attorney initi-
15 ating an action under this section;

16 “(B) shall establish procedures to receive
17 and investigate complaints of fraudulent immi-
18 gration schemes from the public that are con-
19 sistent with the procedures for receiving and in-
20 vestigating complaints of unfair immigration-re-
21 lated employment practices; and

22 “(C) shall maintain and publish on the
23 internet, information aimed at protecting con-
24 sumers from fraudulent immigration schemes,
25 as well as a list of individuals who have been

1 convicted of unlawful conduct under this section
2 or have been found by a State or Federal agen-
3 cy to have unlawfully provided immigration
4 services.

5 “(2) SPECIAL UNITED STATES ATTORNEYS.—
6 The Attorney General shall establish no fewer than
7 15 Special United States Attorney positions in dis-
8 tricts the Attorney General determines, after ana-
9 lyzing data following each decennial census, to be
10 most affected by the fraud described in subsections
11 (a), (b), and (c).

12 “(3) RESTITUTION.—There shall be deposited
13 in the Crime Victims Fund established under section
14 1402 of the Victims of Crime Act of 1984 (34
15 U.S.C. 20101) any restitution ordered for an offense
16 under this section if the victim of such offense can-
17 not reasonably be located.

18 “(f) SEVERABILITY.—If any provision of this section,
19 or the application of such a provision to any person or
20 circumstance, is held to be unconstitutional, the remainder
21 of this section and the application of the remaining provi-
22 sions of this section to any person or circumstance shall
23 not be affected thereby.

24 “(g) IMMIGRATION LAWS.—In this section, the term
25 ‘immigration laws’ has the meaning given that term in sec-

1 tion 101(a)(17) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(17)).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 47 of title 18, United States Code, is amended
5 by adding at the end the following:

“1041. Schemes to defraud persons in any matter arising under immigration
laws.”.

6 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

7 The budgetary effects of this Act, for the purpose of
8 complying with the Statutory Pay-As-You-Go Act of 2010,
9 shall be determined by reference to the latest statement
10 titled “Budgetary Effects of PAYGO Legislation” for this
11 Act, submitted for printing in the Congressional Record
12 by the Chairman of the House Budget Committee, pro-
13 vided that such statement has been submitted prior to the
14 vote on passage.