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
2D 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”.

SEC. 2. FRAUD PROHIBITED.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

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

(a) FRAUD.—Any person who knowingly executes a scheme or artifice, in connection with any matter authorized by or arising under the immigration laws, or any matter that such person claims or represents is authorized by or arises under the immigration laws to—

(1) defraud any other person; or

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

(b) MISREPRESENTATION.—Any person who knowingly makes a false representation that such person is an attorney or an accredited representative (as such term is defined under section 1292.1(a)(4) of title 8, Code of Federal Regulations (or any successor regulation)) in any matter arising under the immigration laws shall be fined under this title, imprisoned not more than 1 year, or both.

(c) THREATS AND RETALIATION.—Any person who violates subsection (a) and knowingly—
“(1) threatens to report another person to Federal authorities or State law enforcement authorities working in conjunction with or pursuant to Federal authority;

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

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

“(B) leads to the loss of immigration status; or

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

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

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

“(d) GRAVITY OF OFFENSE.—

“(1) CUMULATIVE LOSS.—Any person who violates subsection (a), (b), or (c) such that the cumu-
ative loss to all victims exceeds $10,000 may be im-
prisoned not more than 3 years, fined under this
title, or both.

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

“(e) INFORMATION SHARING AND ENFORCEMENT.—

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

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

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

“(C) shall maintain and publish on the
internet, information aimed at protecting con-
sumers from fraudulent immigration schemes,
as well as a list of individuals who have been
convicted of unlawful conduct under this section
or have been found by a State or Federal agen-
cy to have unlawfully provided immigration
services.

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

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

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

“(g) IMMIGRATION LAWS.—In this section, the term
‘immigration laws’ has the meaning given that term in sec-
tion 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).”.

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

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

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

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