AMENDMENT TO RULES COMMITTEE PRINT 117-54

OFFERED BY MS. ESCOBAR OF TEXAS

Add at the end of title LVIII of division E the following:

SEC. _____. DIRECTING THE ATTORNEY GENERAL TO INVESTIGATE SCHEMES TO DEFRAUD PERSONS IN ANY MATTER ARISING UNDER IMMIGRATION LAWS.

(a) FRAUD PROHIBITED.—

(1) 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 vio-
lates subsection (a), (b), or (e) such that the cumu-
lative 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 (e)(2) may be imprisoned not more
than 3 years, fined under this title, or both.
“(e) INFORMATION SHARING AND ENFORCEMENT.—
“(1) IN GENERAL.—The Attorney General
shall—
“(A) establish procedures to receive complaints of fraudulent immigration schemes from the public that are consistent with the procedures for receiving complaints of unfair immigration-related employment practices in place on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023;

“(B) report, on an annual basis, to the Senate Committee on the Judiciary and House Committee on the Judiciary the number of completed prosecutions undertaken pursuant to subsections (a), (b), and (c), including a description of the case and outcome, relevant demographic and linguistic information, and any immigration consequences suffered by the victims involved; and

“(C) maintain and publish on the internet, information in commonly spoken languages other than English, including Spanish, Mandarin, Korean, and Tagalog, on how to identify, prevent, and report instances of fraud described in subsections (a), (b), and (c).

“(2) SPECIAL UNITED STATES ATTORNEYS.—
“(A) IN GENERAL.—The Attorney General shall establish no fewer than 15 Special United States Attorney positions in districts the Attorney General determines to be most affected by the fraud described in subsections (a), (b), and (c), to investigate and prosecute allegations of fraud described in subsections (a), (b), and (c) and should resources permit any other consumer protection laws under this chapter.

“(B) LINGUISTIC COMPETENCE.—With respect to the Special United States Attorney positions under subparagraph (A), the Attorney General shall consider the linguistic competency of a prosecutor appointed to serve in such a position to ensure that the prosecutor may effectively prosecute cases involving non-English speaking victims and witnesses.

“(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 cannot 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) INJUNCTION AGAINST FRAUD.—Section 1345 of
title 18, United States Code, is amended by adding at the
end the following new subsection:

“(c) If a person is violating or about to violate this
chapter or chapter 47 of this title, the Attorney General
may commence a civil action in any Federal court to en-
join such violation.”.

(e) 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.”.