

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. ESCOBAR OF TEXAS

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

1 **SEC. ____ . DIRECTING THE ATTORNEY GENERAL TO IN-**
2 **VESTIGATE SCHEMES TO DEFRAUD PERSONS**
3 **IN ANY MATTER ARISING UNDER IMMIGRA-**
4 **TION LAWS.**

5 (a) FRAUD PROHIBITED.—

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

9 **“§ 1041. Schemes to defraud persons in any matter**
10 **arising under immigration laws**

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

16 “(1) defraud any other person; or

1 “(2) obtain or receive money or anything else of
2 value from any other person by means of false or
3 fraudulent pretenses, representations, or promises,
4 shall be fined under this title, imprisoned not more than
5 1 year, or both.

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

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

15 “(1) threatens to report another person to Fed-
16 eral authorities or State law enforcement authorities
17 working in conjunction with or pursuant to Federal
18 authority;

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

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

24 “(B) leads to the loss of immigration sta-
25 tus; or

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

6 “(3) demands or retains money or anything else
7 of value for services fraudulently performed or not
8 performed or withholds or threatens to withhold
9 services promised to be performed,
10 shall be fined under this title, imprisoned not more than
11 1 year, or both.

12 “(d) GRAVITY OF OFFENSE.—

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

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

22 “(e) INFORMATION SHARING AND ENFORCEMENT.—

23 “(1) IN GENERAL.—The Attorney General
24 shall—

1 “(A) establish procedures to receive com-
2 plaints of fraudulent immigration schemes from
3 the public that are consistent with the proce-
4 dures for receiving complaints of unfair immi-
5 gration-related employment practices in place
6 on the date of the enactment of the National
7 Defense Authorization Act for Fiscal Year
8 2023;

9 “(B) report, on an annual basis, to the
10 Senate Committee on the Judiciary and House
11 Committee on the Judiciary the number of com-
12 pleted prosecutions undertaken pursuant to
13 subsections (a), (b), and (c), including a de-
14 scription of the case and outcome, relevant de-
15 mographic and linguistic information, and any
16 immigration consequences suffered by the vic-
17 tims involved; and

18 “(C) maintain and publish on the internet,
19 information in commonly spoken languages
20 other than English, including Spanish, Man-
21 darin, Korean, and Tagalog, on how to identify,
22 prevent, and report instances of fraud described
23 in subsections (a), (b), and (c).

24 “(2) SPECIAL UNITED STATES ATTORNEYS.—

1 “(A) IN GENERAL.—The Attorney General
2 shall establish no fewer than 15 Special United
3 States Attorney positions in districts the Attor-
4 ney General determines to be most affected by
5 the fraud described in subsections (a), (b), and
6 (c), to investigate and prosecute allegations of
7 fraud described in subsections (a), (b), and (c)
8 and should resources permit any other con-
9 sumer protection laws under this chapter.

10 “(B) LINGUISTIC COMPETENCE.—With re-
11 spect to the Special United States Attorney po-
12 sitions under subparagraph (A), the Attorney
13 General shall consider the linguistic competency
14 of a prosecutor appointed to serve in such a po-
15 sition to ensure that the prosecutor may effec-
16 tively prosecute cases involving non-English
17 speaking victims and witnesses.

18 “(3) RESTITUTION.—There shall be deposited
19 in the Crime Victims Fund established under section
20 1402 of the Victims of Crime Act of 1984 (34
21 U.S.C. 20101) any restitution ordered for an offense
22 under this section if the victim of such offense can-
23 not reasonably be located.

24 “(f) SEVERABILITY.—If any provision of this section,
25 or the application of such a provision to any person or

1 circumstance, is held to be unconstitutional, the remainder
2 of this section and the application of the remaining provi-
3 sions of this section to any person or circumstance shall
4 not be affected thereby.

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

9 (b) INJUNCTION AGAINST FRAUD.—Section 1345 of
10 title 18, United States Code, is amended by adding at the
11 end the following new subsection:

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

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

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

