

107TH CONGRESS
1ST SESSION

H. R. 1910

To deny Federal public benefits to individuals who were participants in
Nazi persecution.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. SAXTON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To deny Federal public benefits to individuals who were
participants in Nazi persecution.

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 “Nazi Benefits Termi-
5 nation Act of 2001”.

6 **SEC. 2. DENIAL OF FEDERAL PUBLIC BENEFITS TO NAZI**
7 **PERSECUTORS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, an individual who is determined under this

1 Act to have been a participant in Nazi persecution is not
2 eligible for any Federal public benefit.

3 (b) DEFINITIONS.—In this Act:

4 (1) FEDERAL PUBLIC BENEFIT.—The term
5 “Federal public benefit” has the meaning given such
6 term by section 401(c)(1) of the Personal Responsi-
7 bility and Work Opportunity Reconciliation Act of
8 1996 (8 U.S.C. 1611(c)(1)), but shall not include
9 any benefit described in section 401(b)(1) of such
10 Act (8 U.S.C. 1611(b)(1)) (and, for purposes of ap-
11 plying such section 401(b)(1), the term “alien” shall
12 be considered to mean any individual).

13 (2) PARTICIPANT IN NAZI PERSECUTION.—The
14 term “participant in Nazi persecution” means an in-
15 dividual who—

16 (A) if an alien (as such term is defined in
17 section 101(a)(3) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1101(a)(3))), has com-
19 mitted one or more of the acts described in sec-
20 tion 212(a)(3)(E) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1182(a)(3)(E)); or

22 (B) if a citizen of the United States—

23 (i) has procured citizenship illegally or
24 by concealment of a material fact or willful
25 misrepresentation; and

1 (ii) has committed one or more of the
2 acts described in section 212(a)(3)(E) of
3 the Immigration and Nationality Act (8
4 U.S.C. 1182(a)(3)(E)).

5 (3) **RESPONDENT.**—The term “respondent”
6 means an individual whom the Attorney General is
7 providing an opportunity for a hearing on the record
8 under section 3(a).

9 **SEC. 3. DETERMINATIONS.**

10 (a) **HEARING BY IMMIGRATION JUDGE.**—If the At-
11 torney General has reason to believe that an individual
12 who has applied for or is receiving a Federal public benefit
13 may have been a participant in Nazi persecution, the At-
14 torney General may provide an opportunity for a hearing
15 on the record with respect to the matter. The Attorney
16 General may delegate the conduct of the hearing to an
17 immigration judge (as defined in section 101(b)(4) of the
18 Immigration and Nationality Act (8 U.S.C. 1101(b)(4))).

19 (b) **PROCEDURES.**—

20 (1) **RIGHT OF RESPONDENTS TO APPEAR.**—

21 (A) **CITIZENS, PERMANENT RESIDENT**
22 **ALIENS, AND PERSONS PRESENT IN THE**
23 **UNITED STATES.**—At a hearing under this sec-
24 tion, each respondent may appear in person if
25 the respondent is a United States citizen, a per-

1 manent resident alien, or present within the
2 United States when the proceeding under this
3 section is initiated.

4 (B) OTHERS.—A respondent who is not a
5 citizen, a permanent resident alien, or present
6 within the United States when the proceeding
7 under this section is initiated may appear by
8 video conference.

9 (C) RULE OF INTERPRETATION.—This Act
10 shall not be construed to permit the return to
11 the United States of an individual who is inad-
12 missible under section 212(a)(3)(E) of the Im-
13 migration and Nationality Act (8 U.S.C.
14 1182(a)(3)(E)).

15 (2) OTHER RIGHTS OF RESPONDENTS.—At a
16 hearing under this section, each respondent may be
17 represented by counsel at no expense to the Federal
18 Government, present evidence, cross-examine wit-
19 nesses, and obtain the issuance of subpoenas for the
20 attendance of witnesses and presentation of evi-
21 dence.

22 (3) RULES OF EVIDENCE.—Unless otherwise
23 provided in this Act, rules regarding the presen-
24 tation of evidence at the hearing shall apply in the
25 same manner in which such rules would apply at a

1 removal proceeding before an immigration judge
2 under section 240 of the Immigration and Nation-
3 ality Act (8 U.S.C. 1229a).

4 (c) FINDINGS, CONCLUSIONS, AND ORDER.—

5 (1) FINDINGS AND CONCLUSIONS.—Not later
6 than 60 days after the date of the end of a hearing
7 conducted under this section, the immigration judge
8 shall make findings of fact and conclusions of law
9 with respect to whether the respondent has been a
10 participant in Nazi persecution.

11 (2) ORDER.—

12 (A) FINDING THAT RESPONDENT HAS
13 BEEN A PARTICIPANT IN NAZI PERSECUTION.—

14 If the immigration judge finds, by a preponder-
15 ance of the evidence, that the respondent has
16 been a participant in Nazi persecution, the im-
17 migration judge shall promptly issue an order
18 declaring the respondent to be ineligible for any
19 Federal public benefit, and prohibiting any per-
20 son from providing such a benefit, directly or
21 indirectly, to the respondent, and shall transmit
22 a copy of the order to any governmental entity
23 or person known to be so providing such a ben-
24 efit.

1 (B) FINDING THAT RESPONDENT HAS NOT
2 BEEN A PARTICIPANT IN NAZI PERSECUTION.—
3 If the immigration judge finds that there is in-
4 sufficient evidence for a finding under subpara-
5 graph (A) that a respondent has been a partici-
6 pant in Nazi persecution, the immigration judge
7 shall issue an order dismissing the proceeding.

8 (C) EFFECTIVE DATE; LIMITATION OF LI-
9 ABILITY.—

10 (i) EFFECTIVE DATE.—An order
11 issued pursuant to subparagraph (A) or
12 (B) shall be effective on the date of
13 issuance.

14 (ii) LIMITATION OF LIABILITY.—Not-
15 withstanding clause (i), a person or entity
16 shall not be found to have provided a ben-
17 efit to an individual in violation of this Act
18 until the person or entity has received ac-
19 tual notice of the issuance of an order
20 under subparagraph (A) with respect to
21 the individual and has had a reasonable
22 opportunity to comply with the order.

23 (d) REVIEW BY ATTORNEY GENERAL; SERVICE OF
24 FINAL ORDER.—

1 (1) REVIEW BY ATTORNEY GENERAL.—The At-
2 torney General may, in his discretion, review any
3 finding or conclusion made, or order issued, under
4 subsection (c), and shall complete the review not
5 later than 30 days after the date that the finding or
6 conclusion is so made, or order is so issued. Other-
7 wise, the finding, conclusion, or order shall be final.

8 (2) SERVICE OF FINAL ORDER.—The Attorney
9 General shall cause the findings of fact and conclu-
10 sions of law made with respect to any final order
11 issued under this section, together with a copy of the
12 order, to be served on the respondent involved.

13 (e) JUDICIAL REVIEW.—Any party aggrieved by a
14 final order issued under this section may obtain a review
15 of the order by the United States Court of Appeals for
16 the Federal Circuit, by filing a petition for such review
17 not later than 30 days after the date that the final order
18 is issued.

19 **SEC. 4. JURISDICTION OF UNITED STATES COURT OF AP-**
20 **PEALS FOR THE FEDERAL CIRCUIT OVER AP-**
21 **PEALS UNDER THIS ACT.**

22 Section 1295(a) of title 28, United States Code, is
23 amended—

24 (1) by striking “and” at the end of paragraph
25 (13);

1 (2) by striking the period at the end of para-
2 graph (14) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(15) of an appeal from a final order issued
5 under the Nazi Benefits Termination Act of 2001.”.

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