

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To preserve the ability of law enforcement to access critical national security and public safety information and to authorize the Secretary of State to share limited information with a foreign government, while protecting legitimate privacy interests.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. CORNYN

Viz:

- 1 On page 121, strike line 7 and all that follows
- 2 through page 122, line 11, and insert the following:
- 3 “(2) REQUIRED DISCLOSURES.—The Secretary
- 4 shall provide the information furnished in an appli-
- 5 cation filed under section 245B, 245C, 245D, or
- 6 245F or section 2211 of the Border Security, Eco-
- 7 nomic Opportunity, and Immigration Modernization
- 8 Act, and any other information derived from such
- 9 furnished information to—

1           “(A) a law enforcement agency, intel-  
2           ligence agency, national security agency, a com-  
3           ponent of the Department of Homeland Secu-  
4           rity, court, or grand jury, in each instance  
5           about an individual suspect or group of sus-  
6           pects, consistent with law, in connection with—

7                   “(i) a criminal investigation or pros-  
8                   ecution;

9                   “(ii) a national security investigation  
10                  or prosecution; or

11                  “(iii) a duly authorized investigation  
12                  of a civil violation; and

13                  “(B) an official coroner for purposes of af-  
14                  firmatively identifying a deceased individual,  
15                  whether or not the death of such individual re-  
16                  sulted from a crime.

17                  “(3) INAPPLICABILITY AFTER DENIAL.—The  
18                  limitations set forth in paragraph (1)—

19                   “(A) shall apply only until—

20                   “(i) an application filed under section  
21                   245B, 245C, 245D, or 245F or section  
22                   2211 of the Border Security, Economic  
23                   Opportunity, and Immigration Moderniza-  
24                   tion Act is denied; and

1                   “(ii) all opportunities for administra-  
2                   tive appeal of the denial have been ex-  
3                   hausted; and

4                   “(B) shall not apply to the use of the in-  
5                   formation furnished pursuant to such applica-  
6                   tion in any removal proceeding or other crimi-  
7                   nal or civil case or action relating to an alien  
8                   whose application has been granted that is  
9                   based upon any violation of law committed or  
10                  discovered after such grant.

11               “(4)     CRIMINAL     CONVICTIONS.—Notwith-  
12               standing any other provision of this section, infor-  
13               mation concerning whether the applicant has, at any  
14               time, been convicted of a crime may be used or re-  
15               leased for immigration enforcement and law enforce-  
16               ment purposes.

17               “(5)     AUDITING AND EVALUATION OF INFORMA-  
18               TION.—The Secretary may—

19                   “(A) audit and evaluate information fur-  
20                   nished as part of any application filed under  
21                   section 245B, 245C, 245D, or 245F for pur-  
22                   poses of identifying immigration fraud or fraud  
23                   schemes; and

24                   “(B) use any evidence detected by means  
25                   of audits and evaluations for purposes of inves-

1           tigating, prosecuting, referring for prosecution,  
2           or denying or terminating immigration benefits.

3           “(6) USE OF INFORMATION IN PETITIONS AND  
4           APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF  
5           STATUS.—If the Secretary has adjusted an alien’s  
6           status to that of an alien lawfully admitted for per-  
7           manent residence pursuant to section 245C, 245D,  
8           or 245F, the Secretary, at any time thereafter, may  
9           use the information furnished by the alien in the ap-  
10          plication for adjustment of status or in an applica-  
11          tion for status under section 245B, 245C, 245D, or  
12          245F to make a determination on any petition or  
13          application.

14          “(7) CONSTRUCTION.—Nothing in this section  
15          may be construed to limit the use or release, for im-  
16          migration enforcement purposes, of information con-  
17          tained in files or records of the Secretary or the At-  
18          torney General pertaining to applications filed under  
19          section 245B, 245C, 245D, or 245F other than in-  
20          formation furnished by an applicant in the applica-  
21          tion, or any other information derived from the ap-  
22          plication, that is not available from any other  
23          source.

24          On page 152, strike line 23 and insert the following:

1 **SEC. 2211. VISA INFORMATION SHARING.**

2 Section 222(f) (8 U.S.C. 1202(f)) is amended—

3 (1) in the matter preceding paragraph (1), by  
4 striking “issuance or refusal” and inserting  
5 “issuance, refusal, or revocation”;

6 (2) in paragraph (2)—

7 (A) in the matter preceding subparagraph  
8 (A), by striking “and on the basis of reci-  
9 procity”;

10 (B) in subparagraph (A)—

11 (i) by striking “for the purpose of pre-  
12 venting” and inserting the following: “for  
13 the purpose of—

14 “(i) preventing”; and

15 (ii) by adding at the end the fol-  
16 lowing:

17 “(ii) determining a person’s remov-  
18 ability or eligibility for a visa, admission,  
19 or other immigration benefit;”; and

20 (C) in subparagraph (B)—

21 (i) by striking “for the purposes” and  
22 inserting “for one of the purposes”; and

23 (ii) by striking “or to deny visas to  
24 persons who would be inadmissible to the  
25 United States.” and inserting “; or”; and

26 (D) by adding at the end the following:

1                   “(C) with regard to any or all aliens in the  
2                   database-specified data elements from each  
3                   record, if the Secretary of State determines that  
4                   it is in the national interest to provide such in-  
5                   formation to a foreign government.”.

6 **SEC. 2212. STATUTORY CONSTRUCTION.**