

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

Purpose: To address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.**

**S. 1348**

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 In section 601(i)(2)(C) (relating to other docu-  
2 ments)—

3 (1) strike clause (VI) (relating to sworn affida-  
4 vits);

5 (2) in clause (V), strike the semicolon at the  
6 end and insert a period; and

7 (3) in clause (IV), add “and” at the end.

1           Strike section 604 (relating to mandatory disclosure  
2 of information) and insert the following:

3 **SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.**

4           (a) IN GENERAL.—Except as otherwise provided in  
5 this section, no Federal agency or bureau, or any officer  
6 or employee of such agency or bureau, may—

7                   (1) use the information furnished by the appli-  
8 cant pursuant to an application filed under section  
9 601 and 602, for any purpose, other than to make  
10 a determination on the application;

11                   (2) make any publication through which the in-  
12 formation furnished by any particular applicant can  
13 be identified; or

14                   (3) permit anyone other than the sworn offi-  
15 cers, employees or contractors of such agency, bu-  
16 reau, or approved entity, as approved by the Sec-  
17 retary of Homeland Security, to examine individual  
18 applications that have been filed.

19           (b) REQUIRED DISCLOSURES.—The Secretary of  
20 Homeland Security and the Secretary of State shall pro-  
21 vide the information furnished pursuant to an application  
22 filed under section 601 and 602, and any other informa-  
23 tion derived from such furnished information, to—

24                   (1) a law enforcement entity, intelligence agen-  
25 cy, national security agency, component of the De-

1       partment of Homeland Security, court, or grand  
2       jury in connection with a criminal investigation or  
3       prosecution or a national security investigation or  
4       prosecution, in each instance about an individual  
5       suspect or group of suspects, when such information  
6       is requested by such entity;

7               (2) a law enforcement entity, intelligence agen-  
8       cy, national security agency, or component of the  
9       Department of Homeland Security in connection  
10      with a duly authorized investigation of a civil viola-  
11      tion, in each instance about an individual suspect or  
12      group of suspects, when such information is re-  
13      quested by such entity; or

14              (3) an official coroner for purposes of affirma-  
15      tively identifying a deceased individual, whether or  
16      not the death of such individual resulted from a  
17      crime.

18      (c) INAPPLICABILITY AFTER DENIAL.—The limita-  
19      tions under subsection (a)—

20              (1) shall apply only until an application filed  
21      under section 601 and 602 is denied and all oppor-  
22      tunities for administrative appeal of the denial have  
23      been exhausted; and

24              (2) shall not apply to the use of the information  
25      furnished pursuant to such application in any re-

1        moval proceeding or other criminal or civil case or  
2        action relating to an alien whose application has  
3        been granted that is based upon any violation of law  
4        committed or discovered after such grant.

5        (d) CRIMINAL CONVICTIONS.—Notwithstanding any  
6        other provision of this section, information concerning  
7        whether the applicant has at any time been convicted of  
8        a crime may be used or released for immigration enforce-  
9        ment and law enforcement purposes.

10       (e) AUDITING AND EVALUATION OF INFORMATION.—  
11       The Secretary may audit and evaluate information fur-  
12       nished as part of any application filed under sections 601  
13       and 602, any application to extend such status under sec-  
14       tion 601(k), or any application to adjust status to that  
15       of an alien lawfully admitted for permanent residence  
16       under section 602, for purposes of identifying fraud or  
17       fraud schemes, and may use any evidence detected by  
18       means of audits and evaluations for purposes of inves-  
19       tigating, prosecuting or referring for prosecution, denying,  
20       or terminating immigration benefits.

21       (f) USE OF INFORMATION IN PETITIONS AND APPLI-  
22       CATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If  
23       the Secretary has adjusted an alien's status to that of an  
24       alien lawfully admitted for permanent residence pursuant  
25       to section 602, then at any time thereafter the Secretary

1 may use the information furnished by the alien in the ap-  
2 plication for adjustment of status or in the applications  
3 for status pursuant to sections 601 or 602 to make a de-  
4 termination on any petition or application.

5 (g) CRIMINAL PENALTY.—Whoever knowingly uses,  
6 publishes, or permits information to be examined in viola-  
7 tion of this section shall be fined not more than \$10,000.

8 (h) CONSTRUCTION.—Nothing in this section shall be  
9 construed to limit the use, or release, for immigration en-  
10 forcement purposes of information contained in files or  
11 records of the Secretary or Attorney General pertaining  
12 to an applications filed under sections 601 or 602, other  
13 than information furnished by an applicant pursuant to  
14 the application, or any other information derived from the  
15 application, that is not available from any other source.

16 (i) REFERENCES.—References in this section to sec-  
17 tion 601 or 602 are references to sections 601 and 602  
18 of this Act and the amendments made by those sections.