

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the amendment.

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 to
the amendment (No. _____) proposed by Mr. CORNYN

Viz:

1 On page 1, line 7, after “RIGHTS” insert “TO NOTICE
2 AND CONSULTATION”.

3 On page 2, strike lines 6 through 12 and insert the
4 following:

5 “(ii) in consultation with the agency
6 that prosecuted the criminal offense under
7 clause (i), if the agency, in the sole discre-
8 tion of the agency, is willing to cooperate
9 with the Secretary, make all reasonable ef-
10 forts to identify each victim of a crime for

1 which an alien determined to be a criminal
2 under clause (i) has a conviction;

3 “(iii) in consultation with the agency
4 that prosecuted the criminal offense under
5 clause (i), if the agency, in the sole discre-
6 tion of the agency, is willing to cooperate
7 with the Secretary, make all reasonable ef-
8 forts to provide each victim identified
9 under clause (ii) with written notice that
10 the alien is being considered for a waiver
11 under this paragraph, specifying in such
12 notice that the victim may—

13 (I) take no further action;

14 (II) request written notification
15 by the Secretary of any subsequent
16 application for waiver filed by the
17 criminal alien under this paragraph
18 and of the final determination of the
19 Secretary regarding such application;
20 or

21 (III) not later than ⁶⁰~~90~~ days after
22 the date on which the victim receives
23 written notice under this clause, re-
24 quest a consultation with the Sec-
25 retary relating to whether the applica-

1 tion of the offender should be granted;

2 and

*and if the victim cannot
be located or if no response
is received from the victim*

3 On page 2, strike lines 13 and 14, and insert the fol-
4 lowing:

*within the designated
time period, the Secretary
shall proceed with*

5 “(iv) at the request of a victim under

*adjudication of the
application.*

6 clause (iii), consult with the victim to de-

7 termine whether

8 On page 2, line 16, after “determined” insert “under
9 clause (i)”.

10 On page 2, beginning on line 17, strike “under clause
11 (i)”.

12 Beginning on page 2, strike line 21 and all that fol-
13 lows through page 3, line 6 and insert the following:
14 “under subparagraph (C).”.

15 On page 3, strike line 7 and insert the following:

16 “(E) CRIME VICTIMS’ RIGHT TO INTER-
17 VENTION.—In addition to the victim notifica-
18 tion and consultation provided for in subpara-
19 graph (D), the Secretary shall allow the victim
20 of a criminal alien described under subpara-

1 graph (B) or (C) to request consultation re-
2 garding, or notice of, any application for waiver
3 filed by the criminal alien under this paragraph,
4 including the final determination of the Sec-
5 retary regarding such application.

6 “(F) CONFIDENTIALITY PROTECTIONS FOR
7 CRIME VICTIMS.—The Secretary and the Attor-
8 ney General may not make an adverse deter-
9 mination of admissibility or deportability of any
10 alien who is a victim and not lawfully present
11 in the United States based solely on informa-
12 tion supplied or derived in the process of identi-
13 fication, notification, or consultation under this
14 paragraph.

15 “(G) REPORTS REQUIRED.—Not later than
16 September 30 of each fiscal year in which the
17 Secretary exercises authority under this para-
18 graph to rule upon the application of a criminal
19 offender allowed under subparagraph (C), the
20 Secretary shall submit to the Committee on the
21 Judiciary of the Senate and the Committee on
22 the Judiciary of the House of Representatives a
23 report detailing the execution of the victim
24 identification and notification process required
25 under subparagraph (D), which shall include—

1 “(i) the total number of criminal of-
2 fenders who have filed an application
3 under subparagraph (C) and the crimes
4 committed by such offenders;

5 “(ii) the total number of criminal of-
6 fenders whose application under subpara-
7 graph (C) has been granted and the crimes
8 committed by such criminal offenders; and

9 “(iii) the total number of victims of
10 criminal offenders under clause (ii) who
11 were not provided with written notice of
12 the offender’s application and the crimes
13 committed against the victims.

14 “(H) DEFINITION.—In this paragraph, the

