

Tom Coburn
S.L.C.

JUN 19 2013

AMENDMENT NO. _____ Calendar No. _____

Purpose: To strike the provisions that authorize government-funded lawyers for aliens in immigration proceedings and the creation of the Office of Legal Access Programs.

IN THE S

AMENDMENT N^o 1350 ^{S.}

By Coburn

To pro To:

Referre S. 744

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Page(s)

GPO: 2012 77-320 (mac)

AMENDMENT intended to be proposed by Mr. COBURN (FOR
Viz: **HIMSELF, AND MR. JOHNSON OF WISCONSIN)**

- 1 Beginning on page 1491, strike line 8 and all that
- 2 follows through page 1496, line 25, and insert the fol-
- 3 lowing:
- 4 **SEC. 3502. IMPROVING IMMIGRATION COURT EFFICIENCY**
- 5 **AND REDUCING COSTS BY INCREASING AC-**
- 6 **CESS TO LEGAL INFORMATION.**
- 7 (a) RIGHT TO REVIEW CERTAIN DOCUMENTS IN RE-
- 8 MOVAL PROCEEDINGS.—Section 240(b) (8 U.S.C.
- 9 1229a(b)) is amended—
- 10 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking the
2 comma at the end and inserting a semicolon;

3 (B) by redesignating subparagraphs (B)
4 and (C) as subparagraphs (C) and (D), respec-
5 tively; and

6 (C) by inserting after subparagraph (A)
7 the following:

8 “(B) the alien shall, at the beginning of
9 the proceedings or at a reasonable time there-
10 after, automatically receive a complete copy of
11 all relevant documents in the possession of the
12 Department of Homeland Security, including all
13 documents (other than documents protected
14 from disclosure by privilege, including national
15 security information referenced in subparagraph
16 (C), law enforcement sensitive information, and
17 information prohibited from disclosure pursuant
18 to any other provision of law) contained in the
19 file maintained by the Government that in-
20 cludes information with respect to all trans-
21 actions involving the alien during the immigra-
22 tion process (commonly referred to as an ‘A-
23 file’) and all documents pertaining to the alien
24 that the Department of Homeland Security has
25 obtained or received from other government

1 agencies, unless the alien waives the right to re-
2 ceive such documents by executing a knowing
3 and voluntary waiver in a language that he or
4 she understands fluently;” and

5 (2) by adding at the end the following:

6 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
7 DOCUMENTS.—In the absence of a waiver under
8 paragraph (4)(B), a removal proceeding may not
9 commence until the alien has received the documents
10 required under such subparagraph.”.

11 (b) CLARIFICATION REGARDING PROVISION OF
12 COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—

13 Section 292 (8 U.S.C. 1362) is amended—

14 (1) by inserting “(a)” before “In any”;

15 (2) by striking “he shall” and inserting “the
16 person shall”; and

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

18 “(b) The Government is not required to provide coun-
19 sel to aliens under subsection (a).”.