

*Tom Coburn*  
S.L.C.

JUN 19 2013

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

Purpose: To close the loophole providing multiple appeals and class action lawsuits through judicial review to individuals whose application for registered provisional immigrant status has previously been denied and 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 SENATE

**AMENDMENT N<sup>o</sup> 1351**

By Coburn

To provide To:

Referred S. 744

3  
Page(s)

GPO: 2012 77-320 (mac)

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

Viz:  
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—

1 (1) in paragraph (4)—

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

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

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

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

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

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

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

12          (b) CLARIFICATION REGARDING PROVISION OF  
13          COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—  
14          Section 292 (8 U.S.C. 1362) is amended—

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

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

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

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

21          (c) REPEAL.—Subsections (b), (c), and (d) of section  
22          2104 of this Act and the amendments to section 242 of  
23          the Immigration and Nationality Act, which were made  
24          by section 2104(b) of this Act, are repealed.