

CORNYN RESULTS AMENDMENT

Comprehensive Analysis

BORDER SECURITY

- Requires the Secretary of Homeland Security, the Commissioner of United States Customs and Border Protection, and the Department of Homeland Security Inspector General, in consultation with the U.S. Comptroller General, to **certify that the following triggers have been met** prior to allowing Registered Provisional Immigrants to adjust to Lawful Permanent Resident Status:
 1. DHS has achieved and maintained “full situational awareness” of the entire Southern border for not less than one year, meaning that DHS has the capability to conduct continuous and integrated monitoring, sensing, or surveillance of each and every one-mile segment of the Southern border or its immediate vicinity.
 2. DHS has achieved and maintained “operational control” of the entire Southern border for not less than one year, meaning DHS has an effectiveness (apprehension) rate of not less than 90 percent in each and every sector of the Southern border.
 3. DHS has implemented a biometric entry and exit data system to track visa overstays at all airports and seaports which U.S. Customs and Border Protection personnel is deployed.
 4. Maintains the trigger in S.744 requiring DHS to implement a nationwide E-Verify system.
- Authorizes the creation of a Southern Border Security Commission similar to the one authorized in S.744, but does so in a way that is constitutional and respects federalism. Removes Washington, D.C. appointees from the commission, allowing state governors to immediately begin advising the Secretary of Homeland Security on gaining operational control of the Southern border.
- Requires the Secretary of Homeland Security to issue a comprehensive “Southern Border Security Strategy” within 120 days of enactment. This strategy must chart a course for achieving and maintaining full situational awareness and operational control of the whole Southern Border. The Secretary is required to submit semi-annual reports on the implementation of the strategy. This amendment would also streamline and improve the strategy required under S. 744. For instance, it combines the “Southern Border Security Strategy” and the “Southern Border Fencing Strategy” for administrative clarity and economies of scale. It also addresses an oversight

in S. 744—requiring DHS to develop a strategy to reduce land port of entry wait times by 50 percent in order to facilitate legitimate commerce, and encourage lawful border crossings.

- Requires the Secretary of Homeland Security to develop and implement a set of new comprehensive, objective, and validated border security metrics to measure results and enforcement outcomes across the Southern border, and to inform the implementation of the Southern Border Security Strategy.
- Sets up a “Comprehensive Immigration Reform Trust Fund” similar to S. 744, but combines all border security funding streams and makes all \$6.5 billion of these funds available immediately for implementing the Southern Border Security Strategy.
- Increases the number of Border Patrol agents and CBP officer by 5,000 each, where S. 744 would not increase the number of Border Patrol agents, and would only increase the number of CBP officers by 3,500.
- Improves emergency border security resource appropriation authorizations by ensuring that deployment decisions are consistent with the comprehensive strategy, and including a variety of technologies, strategies, equipment, and infrastructure left out of S.744.
- Authorizes \$1 billion per year (2014-2019) in emergency port of entry personnel and infrastructure improvements, in order to facilitate legitimate trade and leverage the resources of land ports of entry in securing the border.
- Further improves the land ports of entry by allowing the General Services Administration to enter into public-private partnerships to improve infrastructure and operations.
- Repurposes the “Tucson Sector Earmark” in S. 744 to the full Southern border—helping to ensure that effective border security prosecutions are increased in every sector.
- Helps ensure that state and local governments are swiftly and fully compensated for their assistance in detaining criminal aliens who have been convicted of offenses, and are awaiting trial.
- Creates the “Southern Border Security Assistance Grant Program” to help border law enforcement officials target drug traffickers, human traffickers, human smugglers, and violent crime.
- Removes a controversial provision from S. 744 which would prevent the emergency deportation of serious criminals.

PUBLIC SAFETY

- Removes a controversial disclosure bar that would prevent law enforcement and national security officials from obtaining critical information found in legalization applications filed under the bill. The amendment would allow these officials to request and obtain information in connection with an independent criminal, national security, or civil investigation.
- Allows USCIS officials to turn over evidence of criminal activity or terrorism contained in legalization applications filed under the bill to other law enforcement agencies after the application has been denied and all administrative appeals have been exhausted. This will work to greatly reduce the potential for mass fraud in the application process and ensure that national security is protected.
- Gives American diplomatic officials more flexibility to share foreigners' visa records with our allies by clarifying that the State Department may share visa records with a foreign government on a case-by-case basis for the purpose of determining removability or eligibility for a visa, admission, or other immigration benefits (not just crime prevention, investigation and punishment) or when the sharing is in the U.S. national interest.
- Would increase public safety by denying RPI status to any person who has been convicted of a crime involving domestic violence, child abuse, assault with bodily injury, violation of a protective order, or drunk driving. These are serious offenses with consequences that are often tragic. And S. 744 would allow the vast majority of illegal immigrants who have committed these crimes to automatically become legal residents of the United States.
- Removes an unjustified provision of S. 744 that would allow recidivist criminals with multiple convictions to automatically obtain legal status, so long as they were convicted of the multiple offenses on the same day.
- Removes a dangerous provision of S. 744 that would allow the Secretary of Homeland Security unfettered waiver authority to grant legal status to recidivist criminals who have been convicted of three or more offenses.
- Removes a controversial provision allowing deportees and persons currently located outside the United States to apply for RPI status.
- Requires the Secretary to conduct interviews of RPI applicants who have been convicted of a criminal offense, in order to determine whether or not the applicant is a danger to public safety.
- Closes a judicial review loophole that would allow dangerous individuals to remain in the United States after their RPI application has been denied by the Department of Homeland Security.

National Security and Criminal Justice

- Adds aggravated penalties for human smuggling offenses that are committed by repeat offenders, result in death, result in human trafficking, or include involuntary sexual conduct.
- Targets drug cartels and other transnational criminal organizations engaged in human smuggling by adding these crimes as a predicate for federal money laundering, and subjecting property that facilitates a human smuggling offense to tough forfeiture rules.
- Respects the victims of abusive human smuggling by requiring the Department of Justice to ensure that information about missing and unidentified migrant remains found on lands near the Southern border is uploaded into the National Missing and Unidentified Person System (NAMUS). Provides state and local officials with resource to identify the
- Disqualifies persons who have used a commercial motor vehicle to commit a human smuggling offense from operating a commercial vehicle for one year. Bans repeat human smugglers from operating a commercial motor vehicle for life.
- Creates special penalties for illegal immigrants convicted of drug trafficking or a crime of violence.
- Creates a new crime for illegal border crossing with the intent to aid, abet, or engage in a crime of terrorism.
- Closes loopholes in current laws that allow drug cartel mules to transport bulk cash and launder money with near-impunity.
- Targets money laundering through stored value cards and blank checks—tactics frequently used by drug cartels to transport criminal proceeds across the Southern border and engage in money laundering.
- Requires DHS to initiate removal proceedings for at least 90 percent of visa overstays, who collectively account for approximately 40% of illegal immigration.
- Provides emergency authority for the U.S. Sentencing Commission to update federal sentencing guidelines in light of this legislation.