

AMENDMENT TO H.R. 6
OFFERED BY MR. STAUBER OF MINNESOTA

Page 10, after line 8, insert the following:

1 (C) The Secretary knows or has reason to
2 believe that the alien is or has been a member
3 of a criminal street gang (as defined in sub-
4 section (a) of section 521 of title 18, United
5 States Code), or to have participated in the ac-
6 tivities of a criminal street gang knowing or
7 having reason to know that such activities will
8 promote, further, aid, or support the illegal ac-
9 tivity of the criminal gang. For purposes of this
10 subparagraph, the Secretary may consider any
11 and all credible evidence of membership or par-
12 ticipation in a criminal street gang, including
13 evidence obtained from a State or Federal data
14 base used for the purpose of recording and
15 sharing activities of alleged gang members
16 across law enforcement agencies.

Page 13, strike line 11 and all that follows through
line 19.

Page 55, after line 18, insert the following:

1 **SEC. 314. TREATMENT OF CERTAIN ALIENS FOUND INELI-**
2 **GIBLE FOR ADJUSTMENT OF STATUS.**

3 Notwithstanding sections 102(e), 202(d)(3), and 309
4 of this Act, an alien whose application would be denied
5 based on criminal, national security, gang, or public safety
6 grounds, as set out in section 102(c) or 202(a)(3) of this
7 Act, shall be referred by the Secretary of Homeland Secu-
8 rity for a determination of whether the alien should be
9 placed in removal proceedings under section 240 of the
10 Immigration and Nationality Act (8 U.S.C. 1229a).

