

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

Page 10, after line 8, insert the following:

(C) The Secretary knows or has reason to believe that the alien is or has been a member of a criminal street gang (as defined in subsection (a) of section 521 of title 18, United States Code), or to have participated in the activities of a criminal street gang knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang. For purposes of this subparagraph, the Secretary may consider any and all credible evidence of membership or participation in a criminal street gang, including evidence obtained from a State or Federal data base used for the purpose of recording and sharing activities of alleged gang members 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).

