

117TH CONGRESS  
1ST SESSION

# S. 846

To provide for the confidentiality of information submitted in requests for deferred action under the deferred action for childhood arrivals program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. HEINRICH (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Mr. MARKEY, Ms. WARREN, Mr. SANDERS, Mr. MERKLEY, Ms. ROSEN, Mr. REED, Mr. WYDEN, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. BOOKER, Mr. SCHATZ, Mr. CARDIN, Mr. LUJÁN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the confidentiality of information submitted in requests for deferred action under the deferred action for childhood arrivals program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect DREAMer  
5 Confidentiality Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) DACA PROGRAM.—The term “DACA pro-  
2           gram” means the deferred action for childhood ar-  
3           rivals program described in the memorandum of the  
4           Department of Homeland Security entitled “Exer-  
5           cising Prosecutorial Discretion with Respect to Indi-  
6           viduals Who Came to the United States as Chil-  
7           dren” issued on June 15, 2012.

8           (2) INDIVIDUAL APPLICATION INFORMATION.—  
9           The term “individual application information”  
10          means any information, including personally identifi-  
11          able information, submitted to the Secretary after  
12          June 15, 2012, as part of a request for consider-  
13          ation or reconsideration for the DACA program.

14          (3) SECRETARY.—The term “Secretary” means  
15          the Secretary of Homeland Security.

16 **SEC. 3. CONFIDENTIALITY OF INFORMATION SUBMITTED**  
17 **FOR DACA PROGRAM.**

18          (a) IN GENERAL.—The Secretary shall protect indi-  
19          vidual application information from disclosure to U.S. Im-  
20          migration and Customs Enforcement or U.S. Customs and  
21          Border Protection for any purpose other than the imple-  
22          mentation of the DACA program.

23          (b) REFERRALS PROHIBITED.—The Secretary may  
24          not refer to U.S. Immigration and Customs Enforcement,  
25          U.S. Customs and Border Protection, the Department of

1 Justice, or any other law enforcement agency any indi-  
2 vidual the case of whom has been deferred pursuant to  
3 the DACA program.

4 (c) LIMITED EXCEPTION.—Individual application in-  
5 formation may be shared with national security and law  
6 enforcement agencies—

7 (1) to identify or prevent fraudulent claims;

8 (2) for particularized national security purposes  
9 relating to an individual application; and

10 (3) for the investigation or prosecution of any  
11 felony not related to immigration status.

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