

**Calendar No. 663**111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3992**

To authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

NOVEMBER 30, 2010

Mr. DURBIN (for himself and Mr. LEAHY) introduced the following bill; which was read the first time

DECEMBER 1, 2010

Read the second time and placed on the calendar

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**A BILL**

To authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Development, Relief,  
3 and Education for Alien Minors Act of 2010” or the  
4 “DREAM Act of 2010”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cancellation of removal of certain long-term residents who entered the  
United States as children.
- Sec. 5. Conditional nonimmigrant status.
- Sec. 6. Adjustment of status.
- Sec. 7. Retroactive benefits.
- Sec. 8. Exclusive jurisdiction.
- Sec. 9. Penalties for false statements.
- Sec. 10. Confidentiality of information.
- Sec. 11. Higher education assistance.
- Sec. 12. Treatment of aliens with adjusted status for certain purposes.
- Sec. 13. Military enlistment.
- Sec. 14. GAO report.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **IN GENERAL.**—Except as otherwise specifi-  
10 cally provided, a term used in this Act that is used  
11 in the immigration laws shall have the meaning  
12 given such term in the immigration laws.

13 (2) **ARMED FORCES.**—The term “Armed  
14 Forces” has the meaning given the term “armed  
15 forces” in section 101(a) of title 10, United States  
16 Code.

17 (3) **CONDITIONAL NONIMMIGRANT.**—

1 (A) DEFINITION.—The term “conditional  
2 nonimmigrant” means an alien who is granted  
3 conditional nonimmigrant status under this Act.

4 (B) DESCRIPTION.—A conditional non-  
5 immigrant—

6 (i) shall be considered to be an alien  
7 within a nonimmigrant class for purposes  
8 of the immigration laws;

9 (ii) may have the intention perma-  
10 nently to reside in the United States; and

11 (iii) is not required to have a foreign  
12 residence which the alien has no intention  
13 of abandoning.

14 (4) IMMIGRATION LAWS.—The term “immigra-  
15 tion laws” has the meaning given such term in sec-  
16 tion 101(a)(17) of the Immigration and Nationality  
17 Act (8 U.S.C. 1101(a)(17)).

18 (5) INSTITUTION OF HIGHER EDUCATION.—The  
19 term “institution of higher education” has the  
20 meaning given such term in section 102 of the High-  
21 er Education Act of 1965 (20 U.S.C. 1002), except  
22 that the term does not include an institution of high-  
23 er education outside the United States.

1 **SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-**  
2 **TERM RESIDENTS WHO ENTERED THE**  
3 **UNITED STATES AS CHILDREN.**

4 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-  
5 DENTS WHO ENTERED THE UNITED STATES AS CHIL-  
6 DREN.—

7 (1) IN GENERAL.—Notwithstanding any other  
8 provision of law and except as otherwise provided in  
9 this Act, the Secretary of Homeland Security may  
10 cancel removal of an alien who is inadmissible or de-  
11 portable from the United States, and grant the alien  
12 conditional nonimmigrant status, if the alien dem-  
13 onstrates by a preponderance of the evidence that—

14 (A) the alien has been physically present in  
15 the United States for a continuous period of  
16 not less than 5 years immediately preceding the  
17 date of the enactment of this Act and was  
18 younger than 16 years of age on the date the  
19 alien initially entered the United States;

20 (B) the alien has been a person of good  
21 moral character since the date the alien initially  
22 entered the United States;

23 (C) the alien—

24 (i) is not inadmissible under para-  
25 graph (1), (2), (3), (4), (6)(E), (6)(G), (8),  
26 (10)(A), (10)(C), or (10)(D) of section

1 212(a) of the Immigration and Nationality  
2 Act (8 U.S.C. 1182(a));

3 (ii) is not deportable under paragraph  
4 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-  
5 tion 237(a) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1227(a));

7 (iii) has not ordered, incited, assisted,  
8 or otherwise participated in the persecution  
9 of any person on account of race, religion,  
10 nationality, membership in a particular so-  
11 cial group, or political opinion; and

12 (iv) has not been convicted of—

13 (I) any offense under Federal or  
14 State law punishable by a maximum  
15 term of imprisonment of more than 1  
16 year; or

17 (II) 3 or more offenses under  
18 Federal or State law, for which the  
19 alien was convicted on different dates  
20 for each of the 3 offenses and sen-  
21 tenced to imprisonment for an aggre-  
22 gate of 90 days or more;

23 (D) the alien—

1 (i) has been admitted to an institution  
2 of higher education in the United States;

3 or

4 (ii) has earned a high school diploma  
5 or obtained a general education develop-  
6 ment certificate in the United States;

7 (E) the alien has never been under a final  
8 administrative or judicial order of exclusion, de-  
9 portation, or removal, unless the alien—

10 (i) has remained in the United States  
11 under color of law after such order was  
12 issued; or

13 (ii) received the order before attaining  
14 the age of 16 years; and

15 (F) the alien was younger than 30 years of  
16 age on the date of the enactment of this Act.

17 (2) WAIVER.—Notwithstanding paragraph (1),  
18 the Secretary of Homeland Security may waive the  
19 ground of ineligibility under paragraph (1), (4), or  
20 (6) of section 212(a) of the Immigration and Na-  
21 tionality Act and the ground of deportability under  
22 paragraph (1) of section 237(a) of that Act for hu-  
23 manitarian purposes or family unity or when it is  
24 otherwise in the public interest.

1           (3) PROCEDURES.—The Secretary of Homeland  
2 Security shall provide a procedure by regulation al-  
3 lowing eligible individuals to apply affirmatively for  
4 the relief available under this subsection without  
5 being placed in removal proceedings.

6           (4) DEADLINE FOR SUBMISSION OF APPLICA-  
7 TION.—An alien shall submit an application for can-  
8 cellation of removal and conditional nonimmigrant  
9 status under this subsection no later than the date  
10 that is 1 year after the later of—

11                   (A) the date the alien was admitted to an  
12 institution of higher education in the United  
13 States;

14                   (B) the date the alien earned a high school  
15 diploma or obtained a general education devel-  
16 opment certificate in the United States; or

17                   (C) the date of the enactment of this Act.

18           (5) SUBMISSION OF BIOMETRIC AND BIO-  
19 GRAPHIC DATA.—The Secretary of Homeland Secu-  
20 rity may not cancel the removal of an alien or grant  
21 conditional nonimmigrant status to the alien under  
22 this subsection unless the alien submits biometric  
23 and biographic data, in accordance with procedures  
24 established by the Secretary. The Secretary shall  
25 provide an alternative procedure for applicants who

1 are unable to provide such biometric or biographic  
2 data because of a physical impairment.

3 (6) BACKGROUND CHECKS.—

4 (A) REQUIREMENT FOR BACKGROUND  
5 CHECKS.—The Secretary of Homeland Security  
6 shall utilize biometric, biographic, and other  
7 data that the Secretary determines is appro-  
8 priate—

9 (i) to conduct security and law en-  
10 forcement background checks of an alien  
11 seeking relief available under this sub-  
12 section; and

13 (ii) to determine whether there is any  
14 criminal, national security, or other factor  
15 that would render the alien ineligible for  
16 such relief.

17 (B) COMPLETION OF BACKGROUND  
18 CHECKS.—The security and law enforcement  
19 background checks required by subparagraph  
20 (A)(i) shall be completed, to the satisfaction of  
21 the Secretary, prior to the date the Secretary  
22 cancels the removal of the alien under this sub-  
23 section.

24 (7) MEDICAL EXAMINATION.—An alien applying  
25 for relief available under this subsection shall under-



1 go a medical observation and examination. The Sec-  
2 retary of Homeland Security, with the concurrence  
3 of the Secretary of Health and Human Services,  
4 shall prescribe policies and procedures for the na-  
5 ture, frequency, and timing of such observation and  
6 examination.

7 (8) MILITARY SELECTIVE SERVICE.—An alien  
8 applying for relief available under this subsection  
9 shall establish that the alien has registered under  
10 the Military Selective Service Act (50 U.S.C. App.  
11 451 et seq.), if the alien is subject to such registra-  
12 tion under that Act.

13 (b) TERMINATION OF CONTINUOUS PERIOD.—For  
14 purposes of this section, any period of continuous resi-  
15 dence or continuous physical presence in the United States  
16 of an alien who applies for cancellation of removal under  
17 subsection (a) shall not terminate when the alien is served  
18 a notice to appear under section 239(a) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1229(a)).

20 (c) TREATMENT OF CERTAIN BREAKS IN PRES-  
21 ENCE.—

22 (1) IN GENERAL.—An alien shall be considered  
23 to have failed to maintain continuous physical pres-  
24 ence in the United States under subsection (a) if the  
25 alien has departed from the United States for any

1 period in excess of 90 days or for any periods in the  
2 aggregate exceeding 180 days.

3 (2) EXTENSIONS FOR EXCEPTIONAL CIR-  
4 CUMSTANCES.—The Secretary of Homeland Security  
5 may extend the time periods described in paragraph  
6 (1) if the alien demonstrates that the failure to time-  
7 ly return to the United States was due to excep-  
8 tional circumstances. The exceptional circumstances  
9 determined sufficient to justify an extension should  
10 be no less compelling than serious illness of the  
11 alien, or death or serious illness of a parent, grand-  
12 parent, sibling, or child.

13 (d) EXEMPTION FROM NUMERICAL LIMITATIONS.—  
14 Nothing in this section may be construed to apply a nu-  
15 merical limitation to the number of aliens who may be eli-  
16 gible for cancellation of removal under subsection (a).

17 (e) REGULATIONS.—

18 (1) INITIAL PUBLICATION.—Not later than 180  
19 days after the date of the enactment of this Act, the  
20 Secretary of Homeland Security shall publish regula-  
21 tions implementing this section.

22 (2) INTERIM REGULATIONS.—Notwithstanding  
23 section 553 of title 5, United States Code, the regu-  
24 lations required by paragraph (1) shall be effective,  
25 on an interim basis, immediately upon publication

1 but may be subject to change and revision after pub-  
2 lic notice and opportunity for a period of public com-  
3 ment.

4 (3) FINAL REGULATIONS.—Within a reasonable  
5 time after publication of the interim regulations in  
6 accordance with paragraph (1), the Secretary of  
7 Homeland Security shall publish final regulations  
8 implementing this section.

9 (f) REMOVAL OF ALIEN.—The Secretary of Home-  
10 land Security may not remove any alien who—

11 (1) has a pending application for conditional  
12 nonimmigrant status under this Act; and

13 (2) establishes prima facie eligibility for can-  
14 cellation of removal and conditional nonimmigrant  
15 status under subsection (a).

16 **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

17 (a) LENGTH OF STATUS.—Conditional nonimmigrant  
18 status granted under section 4 shall be valid for a period  
19 of 10 years, subject to termination under subsection (c)  
20 of this section.

21 (b) TERMS OF CONDITIONAL NONIMMIGRANT STA-  
22 TUS.—

23 (1) EMPLOYMENT.—A conditional non-  
24 immigrant shall be authorized to be employed in the

1 United States incident to conditional nonimmigrant  
2 status.

3 (2) TRAVEL.—A conditional nonimmigrant may  
4 travel outside the United States and may be admit-  
5 ted (if otherwise admissible) upon return to the  
6 United States without having to obtain a visa if—

7 (A) the alien is the bearer of valid, unex-  
8 pired documentary evidence of conditional non-  
9 immigrant status; and

10 (B) the alien's absence from the United  
11 States was not for a period exceeding 180 days.

12 (c) TERMINATION OF STATUS.—

13 (1) IN GENERAL.—The Secretary of Homeland  
14 Security shall terminate the conditional non-  
15 immigrant status of any alien if the Secretary deter-  
16 mines that the alien—

17 (A) ceases to meet the requirements of  
18 subparagraph (B) or (C) of section 4(a)(1);

19 (B) has become a public charge; or

20 (C) has received a dishonorable or other  
21 than honorable discharge from the Armed  
22 Forces.

23 (2) RETURN TO PREVIOUS IMMIGRATION STA-  
24 TUS.—Any alien whose conditional nonimmigrant  
25 status is terminated under paragraph (1) shall re-

1       turn to the immigration status the alien had imme-  
2       diately prior to receiving conditional nonimmigrant  
3       status.

4       **SEC. 6. ADJUSTMENT OF STATUS.**

5       (a) IN GENERAL.—A conditional nonimmigrant may  
6       file with the Secretary of Homeland Security, in accord-  
7       ance with subsection (c), an application to have the alien’s  
8       status adjusted to that of an alien lawfully admitted for  
9       permanent residence. The application shall provide, under  
10      penalty of perjury, the facts and information so that the  
11      Secretary may make the determination described in para-  
12      graph (b)(1).

13      (b) ADJUDICATION OF APPLICATION FOR ADJUST-  
14      MENT OF STATUS.—

15          (1) IN GENERAL.—If an application is filed in  
16          accordance with subsection (a) for an alien, the Sec-  
17          retary of Homeland Security shall make a deter-  
18          mination as to whether the alien meets the require-  
19          ments set out in subparagraphs (A) through (E) of  
20          subsection (d)(1).

21          (2) ADJUSTMENT OF STATUS IF FAVORABLE  
22          DETERMINATION.—If the Secretary determines that  
23          the alien meets such requirements, the Secretary  
24          shall notify the alien of such determination and ad-  
25          just the alien’s status to that of an alien lawfully ad-

1       mitted for permanent residence, effective as of the  
2       date of approval of the application.

3           (3) TERMINATION IF ADVERSE DETERMINA-  
4       TION.—If the Secretary determines that the alien  
5       does not meet such requirements, the Secretary shall  
6       notify the alien of such determination and terminate  
7       the conditional nonimmigrant status of the alien as  
8       of the date of the determination.

9           (c) TIME TO FILE APPLICATION.—An alien shall file  
10      an application for adjustment of status during the period  
11      beginning 1 year before and ending on either the date that  
12      is 10 years after the date of the granting of conditional  
13      nonimmigrant status or any other expiration date of the  
14      conditional nonimmigrant status as extended by the Sec-  
15      retary of Homeland Security in accordance with this Act.  
16      The alien shall be deemed to be in conditional non-  
17      immigrant status in the United States during the period  
18      in which such application is pending.

19           (d) DETAILS OF APPLICATION.—

20           (1) CONTENTS OF APPLICATION.—Each appli-  
21      cation for an alien under subsection (a) shall contain  
22      information to permit the Secretary of Homeland  
23      Security to determine whether each of the following  
24      requirements is met:

1 (A) The alien has demonstrated good  
2 moral character during the entire period the  
3 alien has been a conditional nonimmigrant.

4 (B) The alien is in compliance with section  
5 4(a)(1)(C).

6 (C) The alien has not abandoned the  
7 alien's residence in the United States. The Sec-  
8 retary shall presume that the alien has aban-  
9 doned such residence if the alien is absent from  
10 the United States for more than 365 days, in  
11 the aggregate, during the period of conditional  
12 nonimmigrant status, unless the alien dem-  
13 onstrates that the alien has not abandoned the  
14 alien's residence. An alien who is absent from  
15 the United States due to active service in the  
16 Armed Forces has not abandoned the alien's  
17 residence in the United States during the pe-  
18 riod of such service.

19 (D) The alien has completed at least 1 of  
20 the following:

21 (i) The alien has acquired a degree  
22 from an institution of higher education in  
23 the United States or has completed at  
24 least 2 years, in good standing, in a pro-

1           gram for a bachelor's degree or higher de-  
2           gree in the United States.

3           (ii) The alien has served in the Armed  
4           Forces for at least 2 years and, if dis-  
5           charged, has received an honorable dis-  
6           charge.

7           (E) The alien has provided a list of each  
8           secondary school (as that term is defined in sec-  
9           tion 9101 of the Elementary and Secondary  
10          Education Act of 1965 (20 U.S.C. 7801)) that  
11          the alien attended in the United States.

12          (2) HARDSHIP EXCEPTION.—

13           (A) IN GENERAL.—The Secretary of  
14           Homeland Security may, in the Secretary's dis-  
15           cretion, adjust the status of an alien if the  
16           alien—

17           (i) satisfies the requirements of sub-  
18           paragraphs (A), (B), and (C) of paragraph  
19           (1);

20           (ii) demonstrates compelling cir-  
21           cumstances for the inability to complete  
22           the requirements described in paragraph  
23           (1)(D); and

24           (iii) demonstrates that the alien's re-  
25           moval from the United States would result



1 in exceptional and extremely unusual hard-  
2 ship to the alien or the alien's spouse, par-  
3 ent, or child who is a citizen or a lawful  
4 permanent resident of the United States.

5 (B) EXTENSION.—Upon a showing of good  
6 cause, the Secretary of Homeland Security may  
7 extend the period of conditional nonimmigrant  
8 status for the purpose of completing the re-  
9 quirements described in paragraph (1)(D).

10 (e) CITIZENSHIP REQUIREMENT.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), the status of a conditional nonimmigrant  
13 shall not be adjusted to permanent resident status  
14 unless the alien demonstrates that the alien satisfies  
15 the requirements of section 312(a) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 312(a)).

17 (2) EXCEPTION.—Paragraph (1) shall not  
18 apply to an alien who is unable because of a physical  
19 or developmental disability or mental impairment to  
20 meet the requirements of such paragraph.

21 (f) PAYMENT OF FEDERAL TAXES.—

22 (1) IN GENERAL.—Not later than the date on  
23 which an application is filed under subsection (a) for  
24 adjustment of status, the alien shall satisfy any ap-

1 applicable Federal tax liability due and owing on such  
2 date.

3 (2) APPLICABLE FEDERAL TAX LIABILITY.—

4 For purposes of paragraph (1), the term “applicable  
5 Federal tax liability” means liability for Federal  
6 taxes imposed under the Internal Revenue Code of  
7 1986, including any penalties and interest thereon.

8 (g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
9 DATA.—The Secretary of Homeland Security may not ad-  
10 just the status of an alien under this section unless the  
11 alien submits biometric and biographic data, in accordance  
12 with procedures established by the Secretary. The Sec-  
13 retary shall provide an alternative procedure for applicants  
14 who are unable to provide such biometric or biographic  
15 data because of a physical impairment.

16 (h) BACKGROUND CHECKS.—

17 (1) REQUIREMENT FOR BACKGROUND  
18 CHECKS.—The Secretary of Homeland Security shall  
19 utilize biometric, biographic, and other data that the  
20 Secretary determines appropriate—

21 (A) to conduct security and law enforce-  
22 ment background checks of an alien applying  
23 for adjustment of status under this section; and

24 (B) to determine whether there is any  
25 criminal, national security, or other factor that

1           would render the alien ineligible for such ad-  
2           justment of status.

3           (2) COMPLETION OF BACKGROUND CHECKS.—

4           The security and law enforcement background  
5           checks required by paragraph (1)(A) shall be com-  
6           pleted, to the satisfaction of the Secretary, prior to  
7           the date the Secretary grants adjustment of status.

8           (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

9           Nothing in this section or in any other law may be con-  
10          strued to apply a numerical limitation on the number of  
11          aliens who may be eligible for adjustment of status under  
12          this section.

13          (j) CONDITIONAL NONIMMIGRANTS OTHERWISE ELI-

14          GIBLE FOR ADJUSTMENT.—Nothing in this section may  
15          be construed to limit the eligibility of a conditional non-  
16          immigrant for adjustment of status, issuance of an immi-  
17          grant visa, or admission as a lawful permanent resident  
18          alien at any time, if the conditional nonimmigrant is other-  
19          wise eligible for such benefit under the immigration laws.

20          (k) ELIGIBILITY FOR NATURALIZATION.—An alien

21          whose status is adjusted under this section to that of an  
22          alien lawfully admitted for permanent residence may be  
23          naturalized upon compliance with all the requirements of  
24          the immigration laws except the provisions of paragraph  
25          (1) of section 316(a) of the Immigration and Nationality

1 Act (8 U.S.C. 1427(a)), if such person immediately pre-  
2 ceding the date of filing the application for naturalization  
3 has resided continuously, after being lawfully admitted for  
4 permanent residence, within the United States for at least  
5 3 years, and has been physically present in the United  
6 States for periods totaling at least half of that time and  
7 has resided within the State or the district of U.S. Citizen-  
8 ship and Immigration Services in the United States in  
9 which the applicant filed the application for at least 3  
10 months. An alien described in this subsection may file the  
11 application for naturalization as provided in the second  
12 sentence of subsection (a) of section 344 of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1445).

14 **SEC. 7. RETROACTIVE BENEFITS.**

15 If, on the date of the enactment of this Act, an alien  
16 has satisfied all the requirements of section 4(a)(1) and  
17 section 6(d)(1)(D), the Secretary of Homeland Security  
18 may cancel removal and grant conditional nonimmigrant  
19 status in accordance with section 4. The alien may apply  
20 for adjustment of status in accordance with section 6(a)  
21 if the alien has met the requirements of subparagraphs  
22 (A), (B), and (C) of section 6(d)(1) during the entire pe-  
23 riod of conditional nonimmigrant status.

1 **SEC. 8. EXCLUSIVE JURISDICTION.**

2 (a) IN GENERAL.—The Secretary of Homeland Secu-  
3 rity shall have exclusive jurisdiction to determine eligibility  
4 for relief under this Act, except where the alien has been  
5 placed into deportation, exclusion, or removal proceedings  
6 either prior to or after filing an application for cancella-  
7 tion of removal and conditional nonimmigrant status or  
8 adjustment of status under this Act, in which case the At-  
9 torney General shall have exclusive jurisdiction and shall  
10 assume all the powers and duties of the Secretary until  
11 proceedings are terminated, or if a final order of deporta-  
12 tion, exclusion, or removal is entered the Secretary shall  
13 resume all powers and duties delegated to the Secretary  
14 under this Act.

15 (b) STAY OF REMOVAL OF CERTAIN ALIENS EN-  
16 ROLLED IN PRIMARY OR SECONDARY SCHOOL.—The At-  
17 torney General shall stay the removal proceedings of any  
18 alien who—

19 (1) meets all the requirements of subpara-  
20 graphs (A), (B), (C), and (E) of section 4(a)(1);

21 (2) is at least 12 years of age; and

22 (3) is enrolled full time in a primary or sec-  
23 ondary school.

24 (c) EMPLOYMENT.—An alien whose removal is stayed  
25 pursuant to subsection (b) may be engaged in employment  
26 in the United States consistent with the Fair Labor

1 Standards Act (29 U.S.C. 201 et seq.) and State and local  
2 laws governing minimum age for employment.

3 (d) LIFT OF STAY.—The Attorney General shall lift  
4 the stay granted pursuant to subsection (b) if the alien—

5 (1) is no longer enrolled in a primary or sec-  
6 ondary school; or

7 (2) ceases to meet the requirements of sub-  
8 section (b)(1).

9 **SEC. 9. PENALTIES FOR FALSE STATEMENTS.**

10 Whoever files an application for any benefit under  
11 this Act and willfully and knowingly falsifies, misrepre-  
12 sents, or conceals a material fact or makes any false or  
13 fraudulent statement or representation, or makes or uses  
14 any false writing or document knowing the same to con-  
15 tain any false or fraudulent statement or entry, shall be  
16 fined in accordance with title 18, United States Code, im-  
17 prisoned not more than 5 years, or both.

18 **SEC. 10. CONFIDENTIALITY OF INFORMATION.**

19 (a) PROHIBITION.—Except as provided in subsection  
20 (b), no officer or employee of the United States may—

21 (1) use the information furnished by an indi-  
22 vidual pursuant to an application filed under this  
23 Act to initiate removal proceedings against any per-  
24 son identified in the application;

1           (2) make any publication whereby the informa-  
2           tion furnished by any particular individual pursuant  
3           to an application under this Act can be identified; or

4           (3) permit anyone other than an officer or em-  
5           ployee of the United States Government or, in the  
6           case of an application filed under this Act with a  
7           designated entity, that designated entity, to examine  
8           such application filed under this Act.

9           (b) REQUIRED DISCLOSURE.—The Attorney General  
10          or the Secretary of Homeland Security shall provide the  
11          information furnished under this Act, and any other infor-  
12          mation derived from such furnished information, to—

13           (1) a Federal, State, tribal, or local law enforce-  
14          ment agency, intelligence agency, national security  
15          agency, component of the Department of Homeland  
16          Security, court, or grand jury in connection with a  
17          criminal investigation or prosecution, a background  
18          check conducted pursuant to the Brady Handgun  
19          Violence Protection Act (Public Law 103–159; 107  
20          Stat. 1536) or an amendment made by that Act, or  
21          for homeland security or national security purposes,  
22          if such information is requested by such entity or  
23          consistent with an information sharing agreement or  
24          mechanism; or

1           (2) an official coroner for purposes of affirma-  
2           tively identifying a deceased individual (whether or  
3           not such individual is deceased as a result of a  
4           crime).

5           (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL  
6 CONDUCT.—Notwithstanding any other provision of this  
7 section, information concerning whether an alien seeking  
8 relief under this Act has engaged in fraud in an applica-  
9 tion for such relief or at any time committed a crime may  
10 be used or released for immigration enforcement, law en-  
11 forcement, or national security purposes.

12          (d) PENALTY.—Whoever knowingly uses, publishes,  
13 or permits information to be examined in violation of this  
14 section shall be fined not more than \$10,000.

15 **SEC. 11. HIGHER EDUCATION ASSISTANCE.**

16          Notwithstanding any provision of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C. 1001 et seq.), with respect  
18 to assistance provided under title IV of the Higher Edu-  
19 cation Act of 1965 (20 U.S.C. 1070 et seq.), an alien who  
20 is granted conditional nonimmigrant status or lawful per-  
21 manent resident status under this Act shall be eligible only  
22 for the following assistance under such title:

23           (1) Student loans under parts B, D, and E of  
24           such title IV (20 U.S.C. 1071 et seq., 1087a et seq.,



1 1087aa et seq.), subject to the requirements of such  
2 parts.

3 (2) Federal work-study programs under part C  
4 of such title IV (42 U.S.C. 2751 et seq.), subject to  
5 the requirements of such part.

6 (3) Services under such title IV (20 U.S.C.  
7 1070 et seq.), subject to the requirements for such  
8 services.

9 **SEC. 12. TREATMENT OF ALIENS WITH ADJUSTED STATUS**  
10 **FOR CERTAIN PURPOSES.**

11 (a) IN GENERAL.—An individual granted conditional  
12 nonimmigrant status under this Act shall, while such indi-  
13 vidual remains in such status, be considered lawfully  
14 present for all purposes except—

15 (1) section 36B of the Internal Revenue Code  
16 of 1986 (concerning premium tax credits), as added  
17 by section 1401 of the Patient Protection and Af-  
18 fordable Care Act (Public Law 111–148); and

19 (2) section 1402 of the Patient Protection and  
20 Affordable Care Act (concerning reduced cost shar-  
21 ing; 42 U.S.C. 18071).

22 (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY  
23 WAITING PERIOD UNDER PRWORA.—An individual who  
24 has met the requirements under this Act for adjustment  
25 from conditional nonimmigrant status to lawful perma-

1 nent resident status shall be considered, as of the date  
2 of such adjustment, to have completed the 5-year period  
3 specified in section 403 of the Personal Responsibility and  
4 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
5 1613).

6 **SEC. 13. MILITARY ENLISTMENT.**

7 Section 504(b)(1) of title 10, United States Code, is  
8 amended by adding at the end the following new subpara-  
9 graph:

10 “(D) An alien who is a conditional non-  
11 immigrant (as that term is defined in section 3 of  
12 the DREAM Act of 2010).”.

13 **SEC. 14. GAO REPORT.**

14 Not later than 7 years after the date of the enact-  
15 ment of this Act, the Comptroller General of the United  
16 States shall submit to the Committee on the Judiciary of  
17 the Senate and the Committee on the Judiciary of the  
18 House of Representatives a report setting forth—

19 (1) the number of aliens who were eligible for  
20 cancellation of removal and grant of conditional non-  
21 immigrant status under section 4(a);

22 (2) the number of aliens who applied for can-  
23 cellation of removal and grant of conditional non-  
24 immigrant status under section 4(a);

1           (3) the number of aliens who were granted con-  
2           ditional nonimmigrant status under section 4(a);  
3           and

4           (4) the number of aliens whose status was ad-  
5           justed to that of an alien lawfully admitted for per-  
6           manent residence under section 6.

Calendar No. 663

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 3992**

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## **A BILL**

To authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

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DECEMBER 1, 2010

Read the second time and placed on the calendar