

112TH CONGRESS
1ST SESSION

H. R. 398

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2011

Ms. ZOE LOFGREN of California (for herself, Mr. GALLEGLY, Mr. CONYERS, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, 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. TOLLING PERIODS OF TIME TO FILE PETITION**
2 **AND HAVE INTERVIEW FOR REMOVAL OF**
3 **CONDITION.**

4 (a) IN GENERAL.—Section 216 of the Immigration
5 and Nationality Act (8 U.S.C. 1186a) is amended—

6 (1) by redesignating subsection (g) as sub-
7 section (h); and

8 (2) by inserting after subsection (f) the fol-
9 lowing:

10 “(g) SERVICE IN ARMED FORCES.—

11 “(1) FILING PETITION.—The 90-day period de-
12 scribed in subsection (d)(2)(A) shall be tolled during
13 any period of time in which the alien spouse or peti-
14 tioning spouse is a member of the Armed Forces of
15 the United States and serving abroad in an active-
16 duty status in the Armed Forces, except that, at the
17 option of the petitioners, the petition may be filed
18 during such active-duty service at any time after the
19 commencement of such 90-day period.

20 “(2) PERSONAL INTERVIEW.—The 90-day pe-
21 riod described in the first sentence of subsection
22 (d)(3) shall be tolled during any period of time in
23 which the alien spouse or petitioning spouse is a
24 member of the Armed Forces of the United States
25 and serving abroad in an active-duty status in the
26 Armed Forces, except that nothing in this paragraph

1 shall be construed to prohibit the Secretary of
2 Homeland Security from waiving the requirement
3 for an interview under subsection (c)(1)(B) pursuant
4 to the Secretary’s authority under the second sen-
5 tence of subsection (d)(3).”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) IN GENERAL.—Section 216(a)(1) of the Im-
8 migration and Nationality Act (8 U.S.C.
9 1186a(a)(1)) is amended—

10 (A) by striking “(g)(1)” and inserting
11 “(h)(1)”; and

12 (B) by striking “(g)(2)” and inserting
13 “(h)(2)”.

14 (2) REFERENCES.—Section 216 of the Immi-
15 gration and Nationality Act (8 U.S.C. 1186a) is
16 amended—

17 (A) in subsection (d)(3), by striking “At-
18 torney General’s” and inserting “Secretary’s”;

19 (B) by striking “Attorney General” each
20 place such term appears and inserting “Sec-
21 retary of Homeland Security”; and

22 (C) in subsections (c)(1)(B) and (d)(3), by
23 striking “Service” and inserting “Department
24 of Homeland Security”.

1 **SEC. 2. COMPLIANCE WITH PAYGO.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Committee on the Budget of the
8 House of Representatives, provided that such statement
9 has been submitted prior to the vote on passage.

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