

112TH CONGRESS  
2D SESSION

# H. R. 3823

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

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2012

Mr. RIVERA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Armed Services, and Homeland Security, 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 authorize the cancellation of removal and adjustment of status of certain aliens 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as—

5               (1) the “Adjusted Residency for Military Serv-  
6       ice Act”; or

7               (2) the “ARMS Act”.

1   **SEC. 2. TABLE OF CONTENTS.**

2           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. Treatment of aliens meeting requirements for extension of conditional  
nonimmigrant status.
- Sec. 8. Exclusive jurisdiction.
- Sec. 9. Penalties for false statements.
- Sec. 10. Confidentiality of information.
- Sec. 11. Treatment of conditional nonimmigrants for certain purposes.
- Sec. 12. Military enlistment.
- Sec. 13. GAO report.

3   **SEC. 3. DEFINITIONS.**

4           In this Act:

5               (1) IN GENERAL.—Except as otherwise specifi-  
6               cally provided, a term used in this Act that is used  
7               in the immigration laws shall have the meaning  
8               given such term in the immigration laws.

9               (2) CONDITIONAL NONIMMIGRANT.—

10               (A) DEFINITION.—The term “conditional  
11               nonimmigrant” means an alien who is granted  
12               conditional nonimmigrant status under this Act.

13               (B) DESCRIPTION.—A conditional non-  
14               immigrant—

15                       (i) shall be considered to be an alien  
16                       within a nonimmigrant class for purposes  
17                       of the immigration laws;

1 (ii) may have the intention perma-  
 2 nently to reside in the United States; and  
 3 (iii) is not required to have a foreign  
 4 residence which the alien has no intention  
 5 of abandoning.

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

10 (4) INSTITUTION OF HIGHER EDUCATION.—The  
 11 term “institution of higher education” has the  
 12 meaning given such term in section 102 of the High-  
 13 er Education Act of 1965 (20 U.S.C. 1002), except  
 14 that the term does not include an institution of high-  
 15 er education outside the United States.

16 (5) MILITARY-RELATED TERMS.—The terms  
 17 “armed forces”, “active duty”, “active service”, and  
 18 “active status” have the meanings given those terms  
 19 in section 101 of title 10, United States Code.

20 **SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-**  
 21 **TERM RESIDENTS WHO ENTERED THE**  
 22 **UNITED STATES AS CHILDREN.**

23 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-  
 24 DENTS WHO ENTERED THE UNITED STATES AS CHIL-  
 25 DREN.—

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

8                   (A) the alien has been physically present in  
9                   the United States for a continuous period of  
10                  not less than 5 years immediately preceding the  
11                  date of the enactment of this Act and was  
12                  younger than 16 years of age on the date the  
13                  alien initially entered the United States;

14                  (B) the alien has been a person of good  
15                  moral character since the date the alien initially  
16                  entered the United States;

17                  (C) subject to paragraph (2), the alien—

18                          (i) is not inadmissible under para-  
19                          graph (1), (2), (3), (4), (6)(E), (6)(G), (8),  
20                          (10)(A), (10)(C), or (10)(D) of section  
21                          212(a) of the Immigration and Nationality  
22                          Act (8 U.S.C. 1182(a));

23                          (ii) is not deportable under paragraph  
24                          (1)(E), (1)(G), (2), (4), (5), or (6) of sec-

tion 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) has not been convicted of—

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

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and sentenced to imprisonment for an aggregate of 90 days or more;

(D) the alien—

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

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

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

4 (i) has remained in the United States  
5 under color of law after such order was  
6 issued; or

7 (ii) received the order before attaining  
8 the age of 16 years; and

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

11 (2) WAIVER.—With respect to any benefit  
12 under this Act, the Secretary of Homeland Security  
13 may waive the ground of inadmissibility under para-  
14 graph (1), (4), or (6) of section 212(a) of the Immi-  
15 gration and Nationality Act (8 U.S.C. 1182(a)) and  
16 the ground of deportability under paragraph (1) of  
17 section 237(a) of that Act (8 U.S.C. 1227(a)) for  
18 humanitarian purposes or family unity or when it is  
19 otherwise in the public interest.

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

1           (4) SURCHARGE.—The Secretary of Homeland  
2       Security shall charge and collect a surcharge of  
3       \$525 per application on all applications for relief  
4       under this subsection. Such surcharge shall be in ad-  
5       dition to the otherwise applicable application fee im-  
6       posed for the purpose of recovering the full costs of  
7       providing adjudication and processing services. Not-  
8       withstanding any other provision of law, including  
9       section 286 of the Immigration and Nationality Act  
10      (8 U.S.C. 1356), any surcharge collected under this  
11      paragraph shall be deposited as offsetting receipts in  
12      the General Fund of the Treasury and shall not be  
13      available for obligation or expenditure.

14           (5) DEADLINE FOR SUBMISSION OF APPLICA-  
15      TION.—An alien shall submit an application for can-  
16      cellation of removal and conditional nonimmigrant  
17      status under this subsection no later than the date  
18      that is 1 year after the later of—

19                   (A) the date the alien earned a high school  
20                   diploma or obtained a general education devel-  
21                   opment certificate in the United States; or

22                   (B) the effective date of the interim regu-  
23                   lations under subsection (d).

24           (6) SUBMISSION OF BIOMETRIC AND BIO-  
25      GRAPHIC DATA.—The Secretary of Homeland Secu-

1 rity may not cancel the removal of an alien or grant  
2 conditional nonimmigrant status to the alien under  
3 this subsection unless the alien submits biometric  
4 and biographic data, in accordance with procedures  
5 established by the Secretary. The Secretary shall  
6 provide an alternative procedure for applicants who  
7 are unable to provide such biometric or biographic  
8 data because of a physical impairment.

9 (7) BACKGROUND CHECKS.—

10 (A) REQUIREMENT FOR BACKGROUND  
11 CHECKS.—The Secretary of Homeland Security  
12 shall utilize biometric, biographic, and other  
13 data that the Secretary determines is appro-  
14 priate—

15 (i) to conduct security and law en-  
16 forcement background checks of an alien  
17 seeking relief available under this sub-  
18 section; and

19 (ii) to determine whether there is any  
20 criminal, national security, or other factor  
21 that would render the alien ineligible for  
22 such relief.

23 (B) COMPLETION OF BACKGROUND  
24 CHECKS.—The security and law enforcement  
25 background checks required by subparagraph

1 (A) shall be completed, to the satisfaction of the  
2 Secretary, prior to the date the Secretary can-  
3 cels the removal of the alien under this sub-  
4 section.

5 (8) MEDICAL EXAMINATION.—An alien applying  
6 for relief available under this subsection shall under-  
7 go a medical observation and examination. The Sec-  
8 retary of Homeland Security, with the concurrence  
9 of the Secretary of Health and Human Services,  
10 shall prescribe policies and procedures for the nature  
11 and timing of such observation and examination.

12 (9) MILITARY SELECTIVE SERVICE.—An alien  
13 applying for relief available under this subsection  
14 shall establish that the alien has registered under  
15 the Military Selective Service Act (50 U.S.C. App.  
16 451 et seq.), if the alien is subject to such registra-  
17 tion under that Act.

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

1       (c) TREATMENT OF CERTAIN BREAKS IN PRES-  
2   ENCE.—

3           (1) IN GENERAL.—An alien shall be considered  
4       to have failed to maintain continuous physical pres-  
5       ence in the United States under subsection (a) if the  
6       alien has departed from the United States for any  
7       period in excess of 90 days or for any periods in the  
8       aggregate exceeding 180 days.

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

19      (d) REGULATIONS.—

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

24           (2) INTERIM REGULATIONS.—Notwithstanding  
25      section 553 of title 5, United States Code, the regu-

1       lations required by paragraph (1) shall be effective,  
2       on an interim basis, immediately upon publication  
3       but may be subject to change and revision after pub-  
4       lic notice and opportunity for a period of public com-  
5       ment.

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

11      (e) REMOVAL OF ALIEN.—The Secretary of Home-  
12     land Security may not remove any alien who—

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

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

18     **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

19              (a) LENGTH OF STATUS.—Conditional nonimmigrant  
20      status granted under section 4 shall be valid for an initial  
21      period of 5 years, subject to termination under subsection  
22      (c) of this section.

23              (b) TERMS OF CONDITIONAL NONIMMIGRANT STA-  
24      TUS.—

1           (1) EMPLOYMENT.—A conditional non-  
2 immigrant shall be authorized—

3           (A) to be employed in the United States  
4 incident to conditional nonimmigrant status;  
5 and

6           (B) to enlist in the armed forces as pro-  
7 vided in 504(b)(1)(D) of title 10, United States  
8 Code, as added by section 12.

9           (2) TRAVEL.—A conditional nonimmigrant may  
10 travel outside the United States and may be admit-  
11 ted (if otherwise admissible) upon return to the  
12 United States without having to obtain a visa if—

13           (A) the alien is the bearer of valid, unex-  
14 pired documentary evidence of conditional non-  
15 immigrant status; and

16           (B) the alien's absence from the United  
17 States was not for a period exceeding 180 days  
18 or the alien was absent from the United States  
19 due to active service in the armed forces.

20           (c) TERMINATION OF STATUS.—

21           (1) IN GENERAL.—The Secretary of Homeland  
22 Security shall terminate the conditional non-  
23 immigrant status of any alien if the Secretary deter-  
24 mines that the alien—

1 (A) failed to enlist, and be accepted for en-  
2 listment, in the armed forces within 9 months  
3 after the date on which the alien was granted  
4 conditional nonimmigrant status;

5 (B) ceases to meet the requirements of  
6 subparagraph (B) or (C) of section 4(a)(1);

7 (C) has become a public charge; or

8 (D) has received a dishonorable or other  
9 than honorable discharge from the armed  
10 forces.

11 (2) RETURN TO PREVIOUS IMMIGRATION STA-  
12 TUS.—Any alien whose conditional nonimmigrant  
13 status is terminated under paragraph (1) shall re-  
14 turn to the immigration status the alien had imme-  
15 diately prior to receiving conditional nonimmigrant  
16 status.

17 (d) EXTENSION OF STATUS.—

18 (1) ELIGIBILITY.—The Secretary of Homeland  
19 Security shall extend the conditional nonimmigrant  
20 status of an alien for a second period of 5 years if  
21 the following requirements are met:

22 (A) The alien has demonstrated good  
23 moral character during the entire period the  
24 alien has been a conditional nonimmigrant.

1 (B) The alien is in compliance with section  
2 4(a)(1)(C).

3 (C) The alien has not abandoned the  
4 alien's residence in the United States. For pur-  
5 poses of this subparagraph—

6 (i) the Secretary shall presume that  
7 the alien has abandoned such residence if  
8 the alien is absent from the United States  
9 for more than 365 days, in the aggregate,  
10 during the period of conditional non-  
11 immigrant status, unless the alien dem-  
12 onstrates that the alien has not abandoned  
13 the alien's residence; and

14 (ii) an alien who is absent from the  
15 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  
18 period of such service.

19 (D) The alien has served as a member of  
20 a regular or reserve component of the armed  
21 forces on active duty for at least 2 years or as  
22 a member of a reserve component of the armed  
23 forces in an active status for at least 4 years,  
24 and, if discharged, received an honorable dis-  
25 charge.

1           (2) SURCHARGE.—The Secretary of Homeland  
2       Security shall charge and collect a surcharge of  
3       \$2,000 per application on all applications for an ex-  
4       tension under this subsection. Such surcharge shall  
5       be in addition to the otherwise applicable application  
6       fee imposed for the purpose of recovering the full  
7       costs of providing adjudication and processing serv-  
8       ices. Notwithstanding any other provision of law, in-  
9       cluding section 286 of the Immigration and Nation-  
10      ality Act (8 U.S.C. 1356), any surcharge collected  
11      under this paragraph shall be deposited as offsetting  
12      receipts in the General Fund of the Treasury and  
13      shall not be available for obligation or expenditure.

14   **SEC. 6. ADJUSTMENT OF STATUS.**

15      (a) IN GENERAL.—A conditional nonimmigrant may  
16      file with the Secretary of Homeland Security, in accord-  
17      ance with subsection (c), an application to have the alien's  
18      status adjusted to that of an alien lawfully admitted for  
19      permanent residence. The application shall provide, under  
20      penalty of perjury, the facts and information so that the  
21      Secretary may make the determination described in para-  
22      graph (b)(1).

23      (b) ADJUDICATION OF APPLICATION FOR ADJUST-  
24      MENT OF STATUS.—

1           (1) IN GENERAL.—If an application is filed in  
2           accordance with subsection (a) for an alien, the Sec-  
3           retary of Homeland Security shall make a deter-  
4           mination as to whether the alien meets the require-  
5           ments set out in paragraphs (1) through (4) of sub-  
6           section (d).

7           (2) ADJUSTMENT OF STATUS IF FAVORABLE  
8           DETERMINATION.—If the Secretary determines that  
9           the alien meets such requirements, the Secretary  
10          shall notify the alien of such determination and ad-  
11          just the alien’s status to that of an alien lawfully ad-  
12          mitted for permanent residence, effective as of the  
13          date of approval of the application.

14          (3) TERMINATION IF ADVERSE DETERMINA-  
15          TION.—If the Secretary determines that the alien  
16          does not meet such requirements, the Secretary shall  
17          notify the alien of such determination and terminate  
18          the conditional nonimmigrant status of the alien as  
19          of the date of the determination.

20          (c) TIME TO FILE APPLICATION.—

21               (1) IN GENERAL.—An alien shall file an appli-  
22               cation for adjustment of status during the period—

23                       (A) beginning on the date on which the  
24                       alien obtained an extension of status under sec-  
25                       tion 5(d); and

1 (B) ending on either the date that is 10  
2 years after the date of the initial grant of con-  
3 ditional nonimmigrant status or any other expi-  
4 ration date of the conditional nonimmigrant  
5 status as extended by the Secretary of Home-  
6 land Security in accordance with this Act.

7 (2) STATUS DURING PENDENCY.—The alien  
8 shall be deemed to be in conditional nonimmigrant  
9 status in the United States during the period in  
10 which such application is pending.

11 (d) CONTENTS OF APPLICATION.—Each application  
12 for an alien under subsection (a) shall contain information  
13 to permit the Secretary of Homeland Security to deter-  
14 mine whether each of the following requirements is met:

15 (1) The alien has demonstrated good moral  
16 character during the entire period the alien has been  
17 a conditional nonimmigrant.

18 (2) The alien is in compliance with section  
19 4(a)(1)(C).

20 (3) The alien has not abandoned the alien's res-  
21 idence in the United States. For purposes of this  
22 paragraph—

23 (A) the Secretary shall presume that the  
24 alien has abandoned such residence if the alien  
25 is absent from the United States for more than

1           730 days, in the aggregate, during the period of  
2           conditional nonimmigrant status, unless the  
3           alien demonstrates that the alien has not aban-  
4           doned the alien's residence; and

5           (B) an alien who is absent from the United  
6           States due to active service in the armed forces  
7           has not abandoned the alien's residence in the  
8           United States during the period of such service.

9       (e) CITIZENSHIP REQUIREMENT.—

10           (1) IN GENERAL.—Except as provided in para-  
11           graph (2), the status of a conditional nonimmigrant  
12           shall not be adjusted to permanent resident status  
13           unless the alien demonstrates that the alien satisfies  
14           the requirements of section 312(a) of the Immigra-  
15           tion and Nationality Act (8 U.S.C. 1423(a)).

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

20       (f) PAYMENT OF FEDERAL TAXES.—

21           (1) IN GENERAL.—Not later than the date on  
22           which an application is filed under subsection (a) for  
23           adjustment of status, the alien shall satisfy any ap-  
24           plicable Federal tax liability due and owing on such  
25           date.

1           (2) APPLICABLE FEDERAL TAX LIABILITY.—

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

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

14          (h) BACKGROUND CHECKS.—

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

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

22                         (B) to determine whether there is any  
23                         criminal, national security, or other factor that  
24                         would render the alien ineligible for such ad-  
25                         justment of status.

1           (2) COMPLETION OF BACKGROUND CHECKS.—

2       The security and law enforcement background  
3       checks required by paragraph (1) shall be completed,  
4       to the satisfaction of the Secretary, prior to the date  
5       the Secretary grants adjustment of status.

6           (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

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

11          (j) ELIGIBILITY FOR NATURALIZATION.—An alien  
12      whose status is adjusted under this section to that of an  
13      alien lawfully admitted for permanent residence may be  
14      naturalized upon compliance with all the requirements of  
15      the immigration laws except the provisions of paragraph  
16      (1) of section 316(a) of the Immigration and Nationality  
17      Act (8 U.S.C. 1427(a)), if such person immediately pre-  
18      ceding the date of filing the application for naturalization  
19      has resided continuously, after being lawfully admitted for  
20      permanent residence, within the United States for at least  
21      3 years, and has been physically present in the United  
22      States for periods totaling at least half of that time and  
23      has resided within the State or the district of U.S. Citizen-  
24      ship and Immigration Services in the United States in  
25      which the applicant filed the application for at least 3

1 months. An alien described in this subsection may file the  
2 application for naturalization as provided in the second  
3 sentence of subsection (a) of section 334 of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1445).

5 **SEC. 7. TREATMENT OF ALIENS MEETING REQUIREMENTS**  
6 **FOR EXTENSION OF CONDITIONAL NON-**  
7 **IMMIGRANT STATUS.**

8 If, on the date of the enactment of this Act, an alien  
9 has satisfied all the requirements of section 4(a)(1) and  
10 section 5(d)(1)(D), the Secretary of Homeland Security  
11 may cancel removal and grant conditional nonimmigrant  
12 status in accordance with section 4, and may extend condi-  
13 tional nonimmigrant status in accordance with section  
14 5(d). The alien may apply for adjustment of status in ac-  
15 cordance with section 6(a) if the alien has met the require-  
16 ments of subparagraphs (A), (B), and (C) of section  
17 5(d)(1) during the entire period of conditional non-  
18 immigrant status.

19 **SEC. 8. EXCLUSIVE JURISDICTION.**

20 The Secretary of Homeland Security shall have exclu-  
21 sive jurisdiction to determine eligibility for relief under  
22 this Act, except where the alien has been placed into de-  
23 portation, exclusion, or removal proceedings either prior  
24 to or after filing an application for cancellation of removal  
25 and conditional nonimmigrant status or adjustment of sta-

1 tus under this Act, in which case the Attorney General  
2 shall have exclusive jurisdiction and shall assume all the  
3 powers and duties of the Secretary until proceedings are  
4 terminated, or if a final order of deportation, exclusion,  
5 or removal is entered the Secretary shall resume all powers  
6 and duties delegated to the Secretary under this Act. If  
7 the Secretary grants relief under this Act, the final order  
8 of deportation, exclusion, or removal shall be terminated.

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

10       Whoever files an application for any benefit under  
11 this Act and willfully and knowingly falsifies, misrepres-  
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. TREATMENT OF CONDITIONAL NONIMMIGRANTS**  
16 **FOR CERTAIN PURPOSES.**

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

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

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

4       (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY  
5       WAITING PERIOD UNDER PRWORA.—An individual who  
6       has met the requirements under this Act for adjustment  
7       from conditional nonimmigrant status to lawful perma-  
8       nent resident status shall be considered, as of the date  
9       of such adjustment, to have completed the 5-year period  
10      specified in section 403 of the Personal Responsibility and  
11      Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
12      1613).

13   **SEC. 12. MILITARY ENLISTMENT.**

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

17           “(D) An alien who is a conditional non-  
18       immigrant (as that term is defined in section 3 of  
19       the Adjusted Residency for Military Service Act).”.

20   **SEC. 13. GAO REPORT.**

21       Not later than 7 years after the date of the enact-  
22      ment of this Act, the Comptroller General of the United  
23      States shall submit to the Committee on the Judiciary of  
24      the Senate and the Committee on the Judiciary of the  
25      House of Representatives a report setting forth—

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

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

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

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

○