

114TH CONGRESS
2D SESSION

H. R. 5533

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

JUNE 20, 2016

Mr. CURBELO of Florida (for himself and Mr. COFFMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Armed Services, Ways and Means, and Energy and Commerce, 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 the “Recognizing American
5 Children 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. Confidentiality of information.
- Sec. 10. Treatment of conditional nonimmigrants for certain purposes.
- Sec. 11. GAO report.
- Sec. 12. Military enlistment.

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) ALIEN ENLISTEE.—The term “alien en-
 10 listee” means a conditional nonimmigrant that seeks
 11 to maintain or extend such status by means of satis-
 12 faction of the requirements of this Act relating to
 13 enlistment and service in the Armed Forces of the
 14 United States.

15 (3) ALIEN POSTSECONDARY STUDENT.—The
 16 term “alien postsecondary student” means a condi-
 17 tional nonimmigrant that seeks to maintain or ex-
 18 tend such status by means of satisfaction of the re-
 19 quirements of this Act relating to enrollment in, and

1 graduation from, an institution of higher education
2 in the United States.

3 (4) CONDITIONAL NONIMMIGRANT.—

4 (A) DEFINITION.—The term “conditional
5 nonimmigrant” means an alien who is granted
6 conditional nonimmigrant status under this Act.

7 (B) DESCRIPTION.—A conditional non-
8 immigrant—

9 (i) shall not be considered to be an
10 alien who is unlawfully present in the
11 United States for purposes of the immigra-
12 tion laws, including section 505 of the Ille-
13 gal Immigration Reform and Immigrant
14 Responsibility Act of 1996 (8 U.S.C.
15 1623);

16 (ii) shall be considered to be an alien
17 within a nonimmigrant class for purposes
18 of such laws;

19 (iii) has the intention permanently to
20 reside in the United States;

21 (iv) is not required to have a foreign
22 residence which the alien has no intention
23 of abandoning; and

24 (v) shall be considered inspected and
25 admitted for the purposes of section

1 245(a) of the Immigration and Nationality
2 Act (8 U.S.C. 1255(a)).

3 (5) CONVICTION.—The term “conviction” does
4 not include an adjudication or judgement of guilt
5 that has been dismissed, expunged, deferred, an-
6 nulled, invalidated, withheld, or vacated, an order of
7 probation without entry of judgement, or any similar
8 disposition. Section 101(a)(48)(B) of the Immigra-
9 tion and Nationality Act shall not apply for purposes
10 of this Act.

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

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

21 (8) MILITARY-RELATED TERMS.—The terms
22 “armed forces”, “active duty”, “active service”, and
23 “active status” have the meanings given those terms
24 in section 101 of title 10, United States Code.

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 since
16 January 1, 2010;

17 (B) the alien was younger than 16 years of
18 age on the date the alien initially entered the
19 United States;

20 (C) the alien, if the alien is 18 years of age
21 or older—

22 (i) has earned a high school diploma,
23 a commensurate alternative award from a
24 public or private high school or secondary
25 school, obtained a general education devel-
26 opment certificate recognized under State

1 law, or a high school equivalency diploma
2 in the United States;

3 (ii) the alien has been admitted to an
4 institution of higher education in the
5 United States; or

6 (iii) the alien has a valid work author-
7 ization;

8 (D) the alien has been a person of good
9 moral character (as defined in section 101(f) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1101(f))) since the date the alien initially en-
12 tered the United States;

13 (E) subject to paragraph (2), the alien—

14 (i) is not inadmissible under para-
15 graph (1), (2), (3), (4), (6)(E), (8),
16 (10)(A), (10)(C), or (10)(D) of section
17 212(a) of the Immigration and Nationality
18 Act (8 U.S.C. 1182(a));

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

23 (iii) has not ordered, incited, assisted,
24 or otherwise participated in the persecution
25 of any person on account of race, religion,

nationality, membership in a particular social group, or political opinion; and

(iv) other than an offense under State or local law for which an essential element was the alien's immigration status, a minor traffic offense, or a violation of this Act, 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) three 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 a total of not more than 1 year; and

(F) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

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

(ii) received the order before attaining the age of 18 years.

1 (2) WAIVER.—With respect to any benefit
2 under this Act, the Secretary of Homeland Security
3 may waive subclauses (I) and (II) of subsection
4 (a)(1)(E)(iv) of this section, the ground of inadmis-
5 sibility under paragraph (1), (4), or (6) of section
6 212(a) of the Immigration and Nationality Act (8
7 U.S.C. 1182(a)), and the ground of deportability
8 under paragraph (1) of section 237(a) of that Act
9 (8 U.S.C. 1227(a)), for humanitarian purposes or
10 family unity or when it is otherwise in the public in-
11 terest.

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

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

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

3 (5) 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) shall be completed, to the satisfaction of the
21 Secretary, prior to the date the Secretary can-
22 cels the removal of the alien under this sub-
23 section.

24 (6) 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 nature
5 and timing of such observation and examination.

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

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

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

21 (1) IN GENERAL.—An alien shall be considered
22 to have failed to maintain continuous physical pres-
23 ence in the United States under subsection (a) if the
24 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) by 90 days if the alien demonstrates that the
7 failure to timely return to the United States was due
8 to exceptional circumstances. The exceptional cir-
9 cumstances determined sufficient to justify an exten-
10 sion should be no less compelling than serious illness
11 of the alien, or death or serious illness of a parent,
12 grandparent, sibling, or child.

13 (d) REGULATIONS.—

14 (1) INITIAL PUBLICATION.—Not later than 180
15 days after the date of the enactment of this Act, the
16 Secretary of Homeland Security shall publish regula-
17 tions implementing this section.

18 (2) INTERIM REGULATIONS.—Notwithstanding
19 section 553 of title 5, United States Code, the regu-
20 lations required by paragraph (1) shall be effective,
21 on an interim basis, immediately upon publication
22 but may be subject to change and revision after pub-
23 lic notice and opportunity for a period of public com-
24 ment.

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

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

8 (1) has a pending application for conditional
9 nonimmigrant status under this Act; or

10 (2) establishes prima facie eligibility for can-
11 cellation of removal and conditional nonimmigrant
12 status under subsection (a) and is provided a rea-
13 sonable opportunity to file an application under sub-
14 section (a).

15 **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

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

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

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

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

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

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

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

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

18 (c) TERMINATION OF STATUS.—

19 (1) IN GENERAL.—The Secretary of Homeland
20 Security shall terminate the conditional non-
21 immigrant status of any alien if the Secretary deter-
22 mines that the alien is 18 years of age or older
23 and—

24 (A) in the case of—

1 (i) an alien postsecondary student, the
2 alien failed to enroll in an accredited insti-
3 tution of higher education in the United
4 States within 1 year after the date on
5 which the alien was granted conditional
6 nonimmigrant status or to remain so en-
7 rolled;

8 (ii) an alien described under section
9 4(a)(1)(C), the alien has not been em-
10 ployed for a total period of 48 months dur-
11 ing the 5-year period beginning on the date
12 that the alien was granted conditional non-
13 immigrant status; or

14 (iii) an alien enlistee, the alien—

15 (I) failed to enlist, and be accept-
16 ed for enlistment, in the armed forces
17 within 9 months after the date on
18 which the alien was granted condi-
19 tional nonimmigrant status; or

20 (II) has received a dishonorable
21 or other than honorable discharge
22 from the armed forces;

23 (B) ceases to meet the requirements of
24 subparagraph (D) or (E) of section 4(a)(1); or

25 (C) has become a public charge.

1 (2) RETURN TO PREVIOUS IMMIGRATION STA-
2 TUS.—Any alien whose conditional nonimmigrant
3 status is terminated under paragraph (1) shall re-
4 turn to the immigration status the alien had imme-
5 diately prior to receiving conditional nonimmigrant
6 status.

7 (d) EXTENSION OF STATUS.—The Secretary of
8 Homeland Security shall extend the conditional non-
9 immigrant status of an alien for a second period of 5 years
10 if the following requirements are met:

11 (1) The alien has demonstrated good moral
12 character during the entire period the alien has been
13 a conditional nonimmigrant.

14 (2) The alien is in compliance with section
15 4(a)(1)(E).

16 (3) The alien has not abandoned the alien's res-
17 idence in the United States. For purposes of this
18 subparagraph, the Secretary shall presume that the
19 alien has abandoned such residence if the alien is
20 absent from the United States for more than 365
21 days, in the aggregate, during the period of condi-
22 tional nonimmigrant status, unless the alien dem-
23 onstrates that the alien has not abandoned the
24 alien's residence.

25 (4) The alien is 18 years of age or older and—

1 (A) in the case of an alien postsecondary
2 student, has been graduated from an accredited
3 institution of higher education in the United
4 States;

5 (B) in the case of an alien described under
6 section 4(a)(1)(C), the alien has been employed
7 for a total period of 48 months during the 5-
8 year period beginning on the date that the alien
9 was granted conditional nonimmigrant status;
10 or

11 (C) in the case of an alien enlistee, has
12 served as a member of a regular or reserve
13 component of the armed forces in an active
14 duty status for at least 3 years, and, if dis-
15 charged, received an honorable discharge.

16 **SEC. 6. ADJUSTMENT OF STATUS.**

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

1 (b) ADJUDICATION OF APPLICATION FOR ADJUST-
2 MENT OF STATUS.—

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

8 (2) ADJUSTMENT OF STATUS IF FAVORABLE
9 DETERMINATION.—Notwithstanding any other provi-
10 sion of law, including paragraphs (2), (3), (4), and
11 (8) of section 245(c) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1255(c)), if the Secretary deter-
13 mines that the alien meets such requirements, the
14 Secretary shall notify the alien of such determina-
15 tion and adjust the alien's status to that of an alien
16 lawfully admitted for permanent residence, effective
17 as of the date of approval of the application.

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

24 (c) TIME TO FILE APPLICATION.—

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

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

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

12 (2) STATUS DURING PENDENCY.—The alien
13 shall be deemed to be in conditional nonimmigrant
14 status in the United States during the period in
15 which such application is pending.

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

20 (1) The alien has demonstrated good moral
21 character during the entire period the alien has been
22 a conditional nonimmigrant.

23 (2) The alien is in compliance with section
24 4(a)(1)(E).

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

4 (A) the Secretary shall presume that the
5 alien has abandoned such residence if the alien
6 is absent from the United States for more than
7 730 days, in the aggregate, during the period of
8 conditional nonimmigrant status, unless the
9 alien demonstrates that the alien has not aban-
10 doned the alien's residence; and

11 (B) an alien who is absent from the United
12 States due to active service in the armed forces
13 has not abandoned the alien's residence in the
14 United States during the period of such service.

15 (e) CITIZENSHIP REQUIREMENT.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), the status of a conditional nonimmigrant
18 shall not be adjusted to permanent resident status
19 unless the alien demonstrates that the alien satisfies
20 the requirements of section 312(a) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1423(a)).

22 (2) EXCEPTION.—Paragraph (1) shall not
23 apply to an alien who is unable because of a physical
24 or developmental disability or mental impairment to
25 meet the requirements of such paragraph.

1 (f) PAYMENT OF FEDERAL TAXES.—

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

7 (2) APPLICABLE FEDERAL TAX LIABILITY.—

8 For purposes of paragraph (1), the term “applicable
9 Federal tax liability” means liability for Federal
10 taxes imposed under the Internal Revenue Code of
11 1986, including any penalties and interest thereon.

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

20 (h) BACKGROUND CHECKS.—

21 (1) REQUIREMENT FOR BACKGROUND
22 CHECKS.—The Secretary of Homeland Security shall
23 utilize biometric, biographic, and other data that the
24 Secretary determines appropriate—

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

4 (B) to determine whether there is any
5 criminal, national security, or other factor that
6 would render the alien ineligible for such ad-
7 justment of status.

8 (2) COMPLETION OF BACKGROUND CHECKS.—

9 The security and law enforcement background
10 checks required by paragraph (1) shall be completed,
11 to the satisfaction of the Secretary, prior to the date
12 the Secretary grants adjustment of status.

13 (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

14 Nothing in this section or in any other law may be con-
15 strued to apply a numerical limitation on the number of
16 aliens who may be eligible for adjustment of status under
17 this section.

18 (j) ELIGIBILITY FOR NATURALIZATION.—

19 (1) IN GENERAL.—An alien whose status is ad-
20 justed under this section to that of an alien lawfully
21 admitted for permanent residence may be natural-
22 ized upon compliance with all the requirements of
23 the immigration laws.

24 (2) ALIEN ENLISTEES.—For purposes of sec-
25 tion 316(a), an alien enlistee whose status was ad-

1 justed under this section shall be deemed to have
2 satisfied the requirements of paragraphs (1) and (2)
3 of such section, and may apply for naturalization.

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

7 If, on the date of the enactment of this Act, an alien
8 has satisfied all the requirements of sections 4(a)(1) and
9 5(d)(1)(D), the Secretary of Homeland Security may can-
10 cel removal and grant conditional nonimmigrant status in
11 accordance with section 4, and may extend conditional
12 nonimmigrant status in accordance with section 5(d). The
13 alien may apply for adjustment of status in accordance
14 with section 6(a) if the alien has met the requirements
15 of section 5(d)(1) during the entire period of conditional
16 nonimmigrant status.

17 **SEC. 8. EXCLUSIVE JURISDICTION.**

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

1 powers and duties of the Secretary until proceedings are
2 terminated, or if a final order of deportation, exclusion,
3 or removal is entered the Secretary shall resume all powers
4 and duties delegated to the Secretary under this Act. If
5 the Secretary grants relief under this Act, the final order
6 of deportation, exclusion, or removal shall be terminated.

7 **SEC. 9. CONFIDENTIALITY OF INFORMATION.**

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

10 (1) use the information furnished by an indi-
11 vidual pursuant to an application filed under this
12 Act to initiate removal proceedings against any per-
13 son identified in the application;

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

17 (3) permit anyone other than an officer or em-
18 ployee of the United States Government, the alien,
19 or, in the case of an application filed under this Act
20 with a designated entity, that designated entity, to
21 examine such application filed under this Act.

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

1 (1) a Federal, State, tribal, or local law enforce-
2 ment agency, intelligence agency, national security
3 agency, component of the Department of Homeland
4 Security, court, or grand jury in connection with a
5 criminal investigation or prosecution, a background
6 check conducted pursuant to the Brady Handgun
7 Violence Protection Act (Public Law 103–159; 107
8 Stat. 1536) or an amendment made by that Act, or
9 for homeland security or national security purposes,
10 if such information is requested by such entity or
11 consistent with an information sharing agreement or
12 mechanism; or

13 (2) an official coroner for purposes of affirma-
14 tively identifying a deceased individual (whether or
15 not such individual is deceased as a result of a
16 crime).

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

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

4 **SEC. 10. TREATMENT OF CONDITIONAL NONIMMIGRANTS**
5 **FOR CERTAIN PURPOSES.**

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

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

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

17 (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY
18 WAITING PERIOD UNDER PRWORA.—An individual who
19 has met the requirements under this Act for adjustment
20 from conditional nonimmigrant status to lawful perma-
21 nent resident status shall be considered, as of the date
22 of such adjustment, to have completed the 5-year period
23 specified in section 403 of the Personal Responsibility and
24 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
25 1613).

1 **SEC. 11. GAO REPORT.**

2 Not later than 7 years after the date of the enact-
3 ment of this Act, the Comptroller General of the United
4 States shall submit to the Committee on the Judiciary of
5 the Senate and the Committee on the Judiciary of the
6 House of Representatives a report setting forth—

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

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

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

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

19 **SEC. 12. MILITARY ENLISTMENT.**

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

23 “(D) An alien who is a conditional non-
24 immigrant (as that term is defined in section 3 of
25 the Recognizing American Children Act).”.

