

In the House of Representatives, U. S.,

December 8, 2010.

Resolved, That the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) entitled “An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.” and be it further

Resolved, That the House agree to the amendment numbered 3 of the Senate to the aforementioned bill, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

At the end of the matter proposed to be inserted by the Senate amendment numbered 3, add the following:

1 ***SEC. 4. SHORT TITLE.***

2 *Notwithstanding section 1, sections 5 through 16 of*
3 *this Act may be cited as the “Development, Relief, and Edu-*
4 *cation for Alien Minors Act of 2010” or the “DREAM Act*
5 *of 2010”.*

6 ***SEC. 5. DEFINITIONS.***

7 *In this section and sections 6 through 16 of this Act:*

8 *(1) IN GENERAL.—Except as otherwise specifi-*
9 *cally provided, a term used in this section and section*
10 *6 through 16 of this Act that is used in the immigra-*

1 *tion laws shall have the meaning given such term in*
2 *the immigration laws.*

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

6 (3) *CONDITIONAL NONIMMIGRANT.*—

7 (A) *DEFINITION.*—*The term “conditional*
8 *nonimmigrant” means an alien who is granted*
9 *conditional nonimmigrant status under this Act.*

10 (B) *DESCRIPTION.*—*A conditional non-*
11 *immigrant—*

12 (i) *shall be considered to be an alien*
13 *within a nonimmigrant class for purposes*
14 *of the immigration laws;*

15 (ii) *may have the intention perma-*
16 *nently to reside in the United States; and*

17 (iii) *is not required to have a foreign*
18 *residence which the alien has no intention*
19 *of abandoning.*

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

24 (5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
25 *term “institution of higher education” has the mean-*

1 *ing given such term in section 102 of the Higher Edu-*
2 *cation Act of 1965 (20 U.S.C. 1002), except that the*
3 *term does not include an institution of higher edu-*
4 *cation outside the United States.*

5 **SEC. 6. CANCELLATION OF REMOVAL OF CERTAIN LONG-**
6 **TERM RESIDENTS WHO ENTERED THE**
7 **UNITED STATES AS CHILDREN.**

8 *(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-*
9 *DENTS WHO ENTERED THE UNITED STATES AS CHIL-*
10 *DREN.—*

11 *(1) IN GENERAL.—Notwithstanding any other*
12 *provision of law and except as otherwise provided in*
13 *this section and sections 7 through 16 of this Act, the*
14 *Secretary of Homeland Security may cancel removal*
15 *of an alien who is inadmissible or deportable from the*
16 *United States, and grant the alien conditional non-*
17 *immigrant status, if the alien demonstrates by a pre-*
18 *ponderance of the evidence that—*

19 *(A) the alien has been physically present in*
20 *the United States for a continuous period of not*
21 *less than 5 years immediately preceding the date*
22 *of the enactment of this Act and was younger*
23 *than 16 years of age on the date the alien ini-*
24 *tially entered the United States;*

1 (B) *the alien has been a person of good*
2 *moral character since the date the alien initially*
3 *entered the United States;*

4 (C) *subject to paragraph (2), the alien—*

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

10 (ii) *is not deportable under paragraph*
11 *(1)(E), (1)(G), (2), (4), (5), or (6) of section*
12 *237(a) of the Immigration and Nationality*
13 *Act (8 U.S.C. 1227(a));*

14 (iii) *has not ordered, incited, assisted,*
15 *or otherwise participated in the persecution*
16 *of any person on account of race, religion,*
17 *nationality, membership in a particular so-*
18 *cial group, or political opinion; and*

19 (iv) *has not been convicted of—*

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

24 (II) *3 or more offenses under Fed-*
25 *eral or State law, for which the alien*

1 *was convicted on different dates for*
2 *each of the 3 offenses and sentenced to*
3 *imprisonment for an aggregate of 90*
4 *days or more;*

5 *(D) the alien—*

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

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

11 *(E) the alien has never been under a final*
12 *administrative or judicial order of exclusion, de-*
13 *portation, or removal, unless the alien—*

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

17 *(ii) received the order before attaining*
18 *the age of 16 years; and*

19 *(F) the alien was younger than 30 years of*
20 *age on the date of the enactment of this Act.*

21 *(2) WAIVER.—With respect to any benefit under*
22 *this section and sections 7 through 16 of this Act, the*
23 *Secretary of Homeland Security may waive the*
24 *ground of inadmissibility under paragraph (1), (4),*
25 *or (6) of section 212(a) of the Immigration and Na-*

1 *tionality Act (8 U.S.C. 1182(a)) and the ground of*
2 *deportability under paragraph (1) of section 237(a) of*
3 *that Act (8 U.S.C. 1227(a)) for humanitarian pur-*
4 *poses or family unity or when it is otherwise in the*
5 *public interest.*

6 (3) *PROCEDURES.—The Secretary of Homeland*
7 *Security shall provide a procedure by regulation al-*
8 *lowing eligible individuals to apply affirmatively for*
9 *the relief available under this subsection without*
10 *being placed in removal proceedings.*

11 (4) *SURCHARGE.—The Secretary of Homeland*
12 *Security shall charge and collect a surcharge of \$525*
13 *per application on all applications for relief under*
14 *this subsection. Such surcharge shall be in addition to*
15 *the otherwise applicable application fee imposed for*
16 *the purpose of recovering the full costs of providing*
17 *adjudication and processing services. Notwithstanding*
18 *any other provision of law, including section 286 of*
19 *the Immigration and Nationality Act (8 U.S.C.*
20 *1356), any surcharge collected under this paragraph*
21 *shall be deposited as offsetting receipts in the General*
22 *Fund of the Treasury and shall not be available for*
23 *obligation or expenditure.*

24 (5) *DEADLINE FOR SUBMISSION OF APPLICA-*
25 *TION.—An alien shall submit an application for can-*

1 *cellation of removal and conditional nonimmigrant*
2 *status under this subsection no later than the date*
3 *that is 1 year after the later of—*

4 *(A) the date the alien earned a high school*
5 *diploma or obtained a general education develop-*
6 *ment certificate in the United States; or*

7 *(B) the effective date of the interim regula-*
8 *tions under subsection (d).*

9 *(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC*
10 *DATA.—The Secretary of Homeland Security may not*
11 *cancel the removal of an alien or grant conditional*
12 *nonimmigrant status to the alien under this sub-*
13 *section unless the alien submits biometric and bio-*
14 *graphic data, in accordance with procedures estab-*
15 *lished by the Secretary. The Secretary shall provide*
16 *an alternative procedure for applicants who are un-*
17 *able to provide such biometric or biographic data be-*
18 *cause of a physical impairment.*

19 *(7) BACKGROUND CHECKS.—*

20 *(A) REQUIREMENT FOR BACKGROUND*
21 *CHECKS.—The Secretary of Homeland Security*
22 *shall utilize biometric, biographic, and other*
23 *data that the Secretary determines is appro-*
24 *priate—*

1 (i) to conduct security and law enforce-
2 ment background checks of an alien seeking
3 relief available under this subsection; and

4 (ii) to determine whether there is any
5 criminal, national security, or other factor
6 that would render the alien ineligible for
7 such relief.

8 (B) COMPLETION OF BACKGROUND
9 CHECKS.—The security and law enforcement
10 background checks required by subparagraph (A)
11 shall be completed, to the satisfaction of the Sec-
12 retary, prior to the date the Secretary cancels the
13 removal of the alien under this subsection.

14 (8) MEDICAL EXAMINATION.—An alien applying
15 for relief available under this subsection shall undergo
16 a medical observation and examination. The Sec-
17 retary of Homeland Security, with the concurrence of
18 the Secretary of Health and Human Services, shall
19 prescribe policies and procedures for the nature and
20 timing of such observation and examination.

21 (9) MILITARY SELECTIVE SERVICE.—An alien
22 applying for relief available under this subsection
23 shall establish that the alien has registered under the
24 Military Selective Service Act (50 U.S.C. App. 451 et

1 *seq.), if the alien is subject to such registration under*
2 *that Act.*

3 *(b) TERMINATION OF CONTINUOUS PERIOD.—For pur-*
4 *poses of this section, any period of continuous residence or*
5 *continuous physical presence in the United States of an*
6 *alien who applies for cancellation of removal under sub-*
7 *section (a) shall not terminate when the alien is served a*
8 *notice to appear under section 239(a) of the Immigration*
9 *and Nationality Act (8 U.S.C. 1229(a)).*

10 *(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—*

11 *(1) IN GENERAL.—An alien shall be considered*
12 *to have failed to maintain continuous physical pres-*
13 *ence in the United States under subsection (a) if the*
14 *alien has departed from the United States for any pe-*
15 *riod in excess of 90 days or for any periods in the*
16 *aggregate exceeding 180 days.*

17 *(2) EXTENSIONS FOR EXCEPTIONAL CIR-*
18 *CUMSTANCES.—The Secretary of Homeland Security*
19 *may extend the time periods described in paragraph*
20 *(1) if the alien demonstrates that the failure to timely*
21 *return to the United States was due to exceptional*
22 *circumstances. The exceptional circumstances deter-*
23 *mined sufficient to justify an extension should be no*
24 *less compelling than serious illness of the alien, or*

1 *death or serious illness of a parent, grandparent, sib-*
2 *ling, or child.*

3 *(d) REGULATIONS.—*

4 *(1) INITIAL PUBLICATION.—Not later than 180*
5 *days after the date of the enactment of this Act, the*
6 *Secretary of Homeland Security shall publish regula-*
7 *tions implementing this section.*

8 *(2) INTERIM REGULATIONS.—Notwithstanding*
9 *section 553 of title 5, United States Code, the regula-*
10 *tions required by paragraph (1) shall be effective, on*
11 *an interim basis, immediately upon publication but*
12 *may be subject to change and revision after public no-*
13 *tice and opportunity for a period of public comment.*

14 *(3) FINAL REGULATIONS.—Within a reasonable*
15 *time after publication of the interim regulations in*
16 *accordance with paragraph (1), the Secretary of*
17 *Homeland Security shall publish final regulations*
18 *implementing this section.*

19 *(e) REMOVAL OF ALIEN.—The Secretary of Homeland*
20 *Security may not remove any alien who—*

21 *(1) has a pending application for conditional*
22 *nonimmigrant status under this Act; and*

23 *(2) establishes prima facie eligibility for can-*
24 *cellation of removal and conditional nonimmigrant*
25 *status under subsection (a).*

1 **SEC. 7. CONDITIONAL NONIMMIGRANT STATUS.**

2 (a) *LENGTH OF STATUS.*—*Conditional nonimmigrant*
3 *status granted under section 6 shall be valid for an initial*
4 *period of 5 years, subject to termination under subsection*
5 *(c) of this section.*

6 (b) *TERMS OF CONDITIONAL NONIMMIGRANT STA-*
7 *TUS.*—

8 (1) *EMPLOYMENT.*—*A conditional nonimmigrant*
9 *shall be authorized to be employed in the United*
10 *States incident to conditional nonimmigrant status.*

11 (2) *TRAVEL.*—*A conditional nonimmigrant may*
12 *travel outside the United States and may be admitted*
13 *(if otherwise admissible) upon return to the United*
14 *States without having to obtain a visa if—*

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

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

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—*

25 (A) *ceases to meet the requirements of sub-*
26 *paragraph (B) or (C) of section 6(a)(1);*

1 (B) has become a public charge; or

2 (C) has received a dishonorable or other
3 than honorable discharge from the Armed Forces.

4 (2) *RETURN TO PREVIOUS IMMIGRATION STA-*
5 *TUS.—Any alien whose conditional nonimmigrant*
6 *status is terminated under paragraph (1) shall return*
7 *to the immigration status the alien had immediately*
8 *prior to receiving conditional nonimmigrant status.*

9 (d) *EXTENSION OF STATUS.—*

10 (1) *ELIGIBILITY.—The Secretary of Homeland*
11 *Security shall extend the conditional nonimmigrant*
12 *status of an alien for a second period of 5 years if*
13 *the following requirements are met:*

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

17 (B) *The alien is in compliance with section*
18 *6(a)(1)(C).*

19 (C) *The alien has not abandoned the alien’s*
20 *residence in the United States. For purposes of*
21 *this subparagraph—*

22 (i) *the Secretary shall presume that the*
23 *alien has abandoned such residence if the*
24 *alien is absent from the United States for*
25 *more than 365 days, in the aggregate, dur-*

1 *ing the period of conditional nonimmigrant*
2 *status, unless the alien demonstrates that*
3 *the alien has not abandoned the alien's resi-*
4 *dence; and*

5 *(ii) an alien who is absent from the*
6 *United States due to active service in the*
7 *Armed Forces has not abandoned the alien's*
8 *residence in the United States during the*
9 *period of such service.*

10 *(D) The alien—*

11 *(i) has acquired a degree from an in-*
12 *stitution of higher education in the United*
13 *States or has completed at least 2 years, in*
14 *good standing, in a program for a bach-*
15 *elor's degree or higher degree in the United*
16 *States; or*

17 *(ii) has served in the Armed Forces for*
18 *at least 2 years and, if discharged, has re-*
19 *ceived an honorable discharge.*

20 *(E) The alien has provided a list of each*
21 *secondary school (as that term is defined in sec-*
22 *tion 9101 of the Elementary and Secondary*
23 *Education Act of 1965 (20 U.S.C. 7801)) that*
24 *the alien attended in the United States.*

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 be*
5 *in addition to the otherwise applicable application fee*
6 *imposed 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 (3) *HARDSHIP EXCEPTION.*—*The Secretary of*
15 *Homeland Security may, in the Secretary’s discre-*
16 *tion, extend the conditional nonimmigrant status of*
17 *an alien if the alien—*

18 (A) *satisfies the requirements of subpara-*
19 *graphs (A), (B), and (C) of paragraph (1);*

20 (B) *demonstrates compelling circumstances*
21 *for the inability to complete the requirements de-*
22 *scribed in paragraph (1)(D); and*

23 (C) *demonstrates that the alien’s removal*
24 *from the United States would result in excep-*
25 *tional and extremely unusual hardship to the*

1 *alien or the alien's spouse, parent, or child who*
2 *is a citizen or a lawful permanent resident of the*
3 *United States.*

4 **SEC. 8. ADJUSTMENT OF STATUS.**

5 *(a) IN GENERAL.—A conditional nonimmigrant may*
6 *file with the Secretary of Homeland Security, in accordance*
7 *with subsection (c), an application to have the alien's status*
8 *adjusted to that of an alien lawfully admitted for perma-*
9 *nent residence. The application shall provide, under pen-*
10 *alty of perjury, the facts and information so that the Sec-*
11 *retary may make the determination described in subsection*
12 *(b)(1).*

13 *(b) ADJUDICATION OF APPLICATION FOR ADJUSTMENT*
14 *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 determina-*
18 *tion as to whether the alien meets the requirements set*
19 *out in paragraphs (1) through (4) of subsection (d).*

20 *(2) ADJUSTMENT OF STATUS IF FAVORABLE DE-*
21 *TERMINATION.—If the Secretary determines that the*
22 *alien meets such requirements, the Secretary shall no-*
23 *tify the alien of such determination and adjust the*
24 *alien's status to that of an alien lawfully admitted for*

1 *permanent residence, effective as of the date of ap-*
2 *proval of the application.*

3 (3) *TERMINATION IF ADVERSE DETERMINA-*
4 *TION.—If the Secretary determines that the alien does*
5 *not meet such requirements, the Secretary shall notify*
6 *the alien of such determination and terminate the*
7 *conditional nonimmigrant status of the alien as of the*
8 *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 initial grant 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) *CONTENTS OF APPLICATION.—Each application*
20 *for an alien under subsection (a) shall contain information*
21 *to permit the Secretary of Homeland Security to determine*
22 *whether each of the following requirements is met:*

23 (1) *The alien has demonstrated good moral char-*
24 *acter during the entire period the alien has been a*
25 *conditional nonimmigrant.*

1 (2) *The alien is in compliance with section*
2 *6(a)(1)(C).*

3 (3) *The alien has not abandoned the alien's resi-*
4 *dence in the United States. For purposes of this para-*
5 *graph—*

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

13 (B) *an alien who is absent from the United*
14 *States due to active service in the Armed Forces*
15 *has not abandoned the alien's residence in the*
16 *United States during the period of such service.*

17 (4) *If previously granted a hardship exception*
18 *under section 7(d)(3) from the requirements of section*
19 *7(d)(1)(D) with respect to extension of conditional*
20 *nonimmigrant status, the alien has subsequently com-*
21 *plied with such requirements, unless the alien is*
22 *granted a hardship exception with respect to adjust-*
23 *ment of status under the criteria described in section*
24 *7(d)(3).*

25 (e) *CITIZENSHIP REQUIREMENT.—*

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the status of a conditional nonimmigrant*
3 *shall not be adjusted to permanent resident status un-*
4 *less the alien demonstrates that the alien satisfies the*
5 *requirements of section 312(a) of the Immigration*
6 *and Nationality Act (8 U.S.C. 1423(a)).*

7 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
8 *to an alien who is unable because of a physical or de-*
9 *velopmental disability or mental impairment to meet*
10 *the requirements of such paragraph.*

11 (f) *PAYMENT OF FEDERAL TAXES.*—

12 (1) *IN GENERAL.*—*Not later than the date on*
13 *which an application is filed under subsection (a) for*
14 *adjustment of status, the alien shall satisfy any ap-*
15 *plicable Federal tax liability due and owing on such*
16 *date.*

17 (2) *APPLICABLE FEDERAL TAX LIABILITY.*—*For*
18 *purposes of paragraph (1), the term “applicable Fed-*
19 *eral tax liability” means liability for Federal taxes*
20 *imposed under the Internal Revenue Code of 1986, in-*
21 *cluding any penalties and interest thereon.*

22 (g) *SUBMISSION OF BIOMETRIC AND BIOGRAPHIC*
23 *DATA.*—*The Secretary of Homeland Security may not ad-*
24 *just the status of an alien under this section unless the alien*
25 *submits biometric and biographic data, in accordance with*

1 *procedures established by the Secretary. The Secretary shall*
2 *provide an alternative procedure for applicants who are un-*
3 *able to provide such biometric or biographic data because*
4 *of a physical impairment.*

5 *(h) BACKGROUND CHECKS.—*

6 *(1) REQUIREMENT FOR BACKGROUND CHECKS.—*

7 *The Secretary of Homeland Security shall utilize bio-*
8 *metric, biographic, and other data that the Secretary*
9 *determines appropriate—*

10 *(A) to conduct security and law enforcement*
11 *background checks of an alien applying for ad-*
12 *justment of status under this section; and*

13 *(B) to determine whether there is any*
14 *criminal, national security, or other factor that*
15 *would render the alien ineligible for such adjust-*
16 *ment of status.*

17 *(2) COMPLETION OF BACKGROUND CHECKS.—*

18 *The security and law enforcement background checks*
19 *required by paragraph (1) shall be completed, to the*
20 *satisfaction of the Secretary, prior to the date the Sec-*
21 *retary grants adjustment of status.*

22 *(i) EXEMPTION FROM NUMERICAL LIMITATIONS.—*

23 *Nothing in this section or in any other law may be con-*
24 *strued to apply a numerical limitation on the number of*

1 *aliens who may be eligible for adjustment of status under*
2 *this section.*

3 (j) *ELIGIBILITY FOR NATURALIZATION.—An alien*
4 *whose status is adjusted under this section to that of an*
5 *alien lawfully admitted for permanent residence may be*
6 *naturalized upon compliance with all the requirements of*
7 *the immigration laws except the provisions of paragraph*
8 *(1) of section 316(a) of the Immigration and Nationality*
9 *Act (8 U.S.C. 1427(a)), if such person immediately pre-*
10 *ceding the date of filing the application for naturalization*
11 *has resided continuously, after being lawfully admitted for*
12 *permanent residence, within the United States for at least*
13 *3 years, and has been physically present in the United*
14 *States for periods totaling at least half of that time and*
15 *has resided within the State or the district of U.S. Citizen-*
16 *ship and Immigration Services in the United States in*
17 *which the applicant filed the application for at least 3*
18 *months. An alien described in this subsection may file the*
19 *application for naturalization as provided in the second*
20 *sentence of subsection (a) of section 334 of the Immigration*
21 *and Nationality Act (8 U.S.C. 1445).*

1 **SEC. 9. TREATMENT OF ALIENS MEETING REQUIREMENTS**
2 **FOR EXTENSION OF CONDITIONAL NON-**
3 **IMMIGRANT STATUS.**

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

14 **SEC. 10. EXCLUSIVE JURISDICTION.**

15 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
16 *rity shall have exclusive jurisdiction to determine eligibility*
17 *for relief under sections 6 through 16 of this Act, except*
18 *where the alien has been placed into deportation, exclusion,*
19 *or removal proceedings either prior to or after filing an ap-*
20 *plication for cancellation of removal and conditional non-*
21 *immigrant status or adjustment of status under this Act,*
22 *in which case the Attorney General shall have exclusive ju-*
23 *risdiction and shall assume all the powers and duties of*
24 *the Secretary until proceedings are terminated, or if a final*
25 *order of deportation, exclusion, or removal is entered the*
26 *Secretary shall resume all powers and duties delegated to*

1 *the Secretary under this Act. If the Secretary grants relief*
2 *under sections 6 through 16 of this Act, the final order of*
3 *deportation, exclusion, or removal shall be terminated.*

4 *(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED*
5 *IN PRIMARY OR SECONDARY SCHOOL.—*

6 *(1) IN GENERAL.—The Attorney General shall*
7 *stay the removal proceedings of any alien who—*

8 *(A) meets all the requirements of subpara-*
9 *graphs (A), (B), (C), and (E) of section 6(a)(1);*

10 *(B) is at least 12 years of age; and*

11 *(C) is enrolled full-time in a primary or*
12 *secondary school.*

13 *(2) ALIENS NOT IN REMOVAL PROCEEDINGS.—*

14 *For aliens who are not in removal proceedings, the*
15 *Secretary of Homeland Security shall not commence*
16 *such proceedings with respect to the alien if the alien*
17 *meets the requirements of subparagraphs (A) through*
18 *(C) of paragraph (1).*

19 *(c) EMPLOYMENT.—An alien whose removal is stayed*
20 *pursuant to subsection (b)(1) may be engaged in employ-*
21 *ment in the United States consistent with the Fair Labor*
22 *Standards Act (29 U.S.C. 201 et seq.) and State and local*
23 *laws governing minimum age for employment.*

24 *(d) LIFT OF STAY.—The Attorney General shall lift*
25 *the stay granted pursuant to subsection (b)(1) if the alien—*

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

3 (2) ceases to meet the requirements of such sub-
4 section.

5 **SEC. 11. PENALTIES FOR FALSE STATEMENTS.**

6 Whoever files an application for any benefit under sec-
7 tions 6 through 16 of this Act and willfully and knowingly
8 falsifies, misrepresents, or conceals a material fact or makes
9 any false or fraudulent statement or representation, or
10 makes or uses any false writing or document knowing the
11 same to contain any false or fraudulent statement or entry,
12 shall be fined in accordance with title 18, United States
13 Code, imprisoned not more than 5 years, or both.

14 **SEC. 12. CONFIDENTIALITY OF INFORMATION.**

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

17 (1) use the information furnished by an indi-
18 vidual pursuant to an application filed under sec-
19 tions 6 through 16 of this Act to initiate removal pro-
20 ceedings against any person identified in the applica-
21 tion;

22 (2) make any publication whereby the informa-
23 tion furnished by any particular individual pursuant
24 to an application under sections 6 through 16 of this
25 Act can be identified; or

1 (3) permit anyone other than an officer or em-
2 ployee of the United States Government or, in the
3 case of an application filed under sections 6 through
4 16 of this Act with a designated entity, that des-
5 ignated entity, to examine such application filed
6 under such sections.

7 (b) *REQUIRED DISCLOSURE.*—The Attorney General
8 or the Secretary of Homeland Security shall provide the
9 information furnished under sections 6 through 16 of this
10 Act, and any other information derived from such furnished
11 information, to—

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

24 (2) an official coroner for purposes of affirma-
25 tively identifying a deceased individual (whether or

1 *not such individual is deceased as a result of a*
2 *crime).*

3 (c) *FRAUD IN APPLICATION PROCESS OR CRIMINAL*
4 *CONDUCT.*—*Notwithstanding any other provision of this*
5 *section, information concerning whether an alien seeking*
6 *relief under sections 6 through 16 of this Act has engaged*
7 *in fraud in an application for such relief or at any time*
8 *committed a crime may be used or released for immigration*
9 *enforcement, law enforcement, or national security pur-*
10 *poses.*

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

14 **SEC. 13. HIGHER EDUCATION ASSISTANCE.**

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

22 (1) *Student loans under parts D and E of such*
23 *title IV (20 U.S.C. 1087a et seq., 1087aa et seq.), sub-*
24 *ject to the requirements of such parts.*

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

4 (3) *Services under such title IV (20 U.S.C. 1070*
5 *et seq.), subject to the requirements for such services.*

6 **SEC. 14. TREATMENT OF CONDITIONAL NONIMMIGRANTS**
7 **FOR CERTAIN PURPOSES.**

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

12 (1) *section 36B of the Internal Revenue Code of*
13 *1986 (concerning premium tax credits), as added by*
14 *section 1401 of the Patient Protection and Affordable*
15 *Care Act (Public Law 111–148); and*

16 (2) *section 1402 of the Patient Protection and*
17 *Affordable Care Act (concerning reduced cost sharing;*
18 *42 U.S.C. 18071).*

19 (b) *FOR PURPOSES OF THE 5-YEAR ELIGIBILITY*
20 *WAITING PERIOD UNDER PRWORA.—An individual who*
21 *has met the requirements under this Act for adjustment*
22 *from conditional nonimmigrant status to lawful permanent*
23 *resident status shall be considered, as of the date of such*
24 *adjustment, to have completed the 5-year period specified*

1 *in section 403 of the Personal Responsibility and Work Op-*
2 *portunity Reconciliation Act of 1996 (8 U.S.C. 1613).*

3 **SEC. 15. MILITARY ENLISTMENT.**

4 *Section 504(b)(1) of title 10, United States Code, is*
5 *amended by adding at the end the following new subpara-*
6 *graph:*

7 *“(D) An alien who is a conditional non-*
8 *immigrant (as that term is defined in section 5 of the*
9 *DREAM Act of 2010).”.*

10 **SEC. 16. GAO REPORT.**

11 *Not later than 7 years after the date of the enactment*
12 *of this Act, the Comptroller General of the United States*
13 *shall submit to the Committee on the Judiciary of the Sen-*
14 *ate and the Committee on the Judiciary of the House of*
15 *Representatives a report setting forth—*

16 *(1) the number of aliens who were eligible for*
17 *cancellation of removal and grant of conditional non-*
18 *immigrant status under section 6(a);*

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

22 *(3) the number of aliens who were granted condi-*
23 *tional nonimmigrant status under section 6(a); and*

1 (4) *the number of aliens whose status was ad-*
2 *justed to that of an alien lawfully admitted for per-*
3 *manent residence under section 8.*

Attest:

Clerk.

11TH CONGRESS
2^D SESSION

H.R. 5281

**HOUSE AMENDMENT TO
SENATE AMENDMENT**