

112TH CONGRESS
1ST SESSION

H. R. 398

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TOLLING PERIODS OF TIME TO FILE PETITION**
2 **AND HAVE INTERVIEW FOR REMOVAL OF**
3 **CONDITION.**

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

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

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

10 “(g) SERVICE IN ARMED FORCES.—

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

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

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

6 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

 Passed the House of Representatives August 1,
2011.

Attest:

Clerk.

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