

AMENDMENT TO RULES COMMITTEE PRINT 115-

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OFFERED BY MR. GONZALEZ OF TEXAS

At the end of subtitle E of title V, add the following new sections:

1 **SEC. ____ . DEFINITION.**

2 In this Act, the term “special veteran” means an in-
3 dividual who is an alien and is described in section 101(2)
4 of title 38, United States Code, except the term—

5 (1) only includes individuals who were dis-
6 charged or released from the Armed Forces under
7 honorable conditions;

8 (2) does not include individuals who have been
9 convicted of voluntary manslaughter, murder, rape,
10 sexual abuse of a minor, or any offense under chap-
11 ter 113B of title 18, United States Code (relating to
12 terrorism); and

13 (3) does not include individuals who have been
14 determined to be a child abuser or a pedophile.

15 **SEC. ____ . PROTECTING SPECIAL VETERANS FROM RE-**
16 **MOVAL.**

17 Notwithstanding any other provision of law, including
18 section 237 of the Immigration and Nationality Act (8

1 U.S.C. 1227), a special veteran shall not be removed from
2 the United States.

3 **SEC. ____ . NATURALIZATION FOR SPECIAL VETERANS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, a special veteran shall be naturalized as a citi-
6 izen of the United States upon the filing of the appro-
7 priate application, paying the appropriate fees, and, except
8 as provided in subsection (b), taking and subscribing be-
9 fore an officer of the Department of Homeland Security
10 within the United States to the oath of allegiance required
11 by section 337 of the Immigration and Nationality (8
12 U.S.C. 1448). The Secretary of Homeland Security shall
13 take steps to ensure that the period in which an applica-
14 tion for naturalization under this section is pending does
15 not exceed 90 days. The Secretary shall furnish each spe-
16 cial veteran naturalized under this section with a certifi-
17 cate of citizenship.

18 (b) SPECIAL VETERANS ABROAD.—In the case of a
19 special veteran residing abroad, the application for natu-
20 ralization may be filed from abroad, and the oath of alle-
21 giance described in subsection (a) may be subscribed to
22 abroad at United States embassies, consulates, and, as
23 practicable, United States military installations overseas
24 pursuant to the procedures available under section
25 1701(d) of the National Defense Authorization Act for

1 Fiscal Year 2004 (8 U.S.C. 1443a) for naturalization pro-
2 ceedings overseas for members of the Armed Forces and
3 their spouses and children.

4 (c) WAIVER.—Consistent with section 337(a) of the
5 Immigration and Nationality Act (8 U.S.C. 1448(a)), the
6 Secretary of Homeland Security may waive the taking of
7 the oath of allegiance described in subsection (a) by a spe-
8 cial veteran if, in the opinion of the Secretary, the special
9 veteran is unable to understand, or to communicate an
10 understanding of, its meaning because of a physical or de-
11 velopmental disability or mental impairment.

12 **SEC. ____ . TREATMENT OF SPECIAL VETERANS IN RE-**
13 **MOVAL PROCEEDINGS OR ORDERED RE-**
14 **MOVED.**

15 In the case of a special veteran in removal pro-
16 ceedings on the date of the enactment of this Act, the Sec-
17 retary of Homeland Security shall cancel the removal of
18 the special veteran. In the case of a special veteran who
19 was ordered removed before the date of the enactment of
20 this Act, the Attorney General shall rescind any out-
21 standing order of removal, and any finding that the special
22 veteran is subject to removal or is inadmissible. In the case
23 of a special veteran physically present in the United States
24 whose status as an alien lawfully admitted for permanent
25 residence was rescinded before the date of the enactment

1 of this Act, the Secretary of Homeland Security shall allow
2 the veteran to adjust status to that of an alien lawfully
3 admitted for permanent residence without regard to any
4 numerical limitation in the Immigration and Nationality
5 Act (8 U.S.C. 1101 et seq.).

6 **SEC. _____. RETURN OF SPECIAL VETERANS REMOVED**
7 **FROM THE UNITED STATES.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Secretary shall establish a program
10 and application procedure to permit special veterans re-
11 moved from the United States before the date of the en-
12 actment of this Act to enter the United States as an alien
13 lawfully admitted for permanent residence without regard
14 to any numerical limitation in the Immigration and Na-
15 tionality Act (8 U.S.C. 1101 et seq.).

16 **SEC. _____. ACCESS TO MILITARY BENEFITS.**

17 A special veteran who has been naturalized or has
18 obtained the status of an alien lawfully admitted for per-
19 manent residence pursuant to this Act shall be eligible for
20 all military and veterans benefits for which the special vet-
21 eran would have been eligible if the special veteran had
22 never been ordered removed, been removed, or voluntarily
23 departed, from the United States.

1 **SEC. _____. IDENTIFICATION OF SPECIAL VETERANS.**

2 (a) IDENTIFICATION.—The Secretary of Homeland
3 Security shall identify immigration cases involving special
4 veterans by—

5 (1) inquiring of every alien processed prior to
6 initiating removal proceedings whether the alien is a
7 special veteran; and

8 (2) keeping records of special veterans who
9 have been detained under the immigration laws, had
10 removal proceedings against them initiated before
11 the date of the enactment of this Act, or been re-
12 moved before such date.

13 (b) RECORD ANNOTATION.—When the Secretary has
14 identified a case under subsection (a), the Secretary shall
15 annotate all immigration and naturalization records of the
16 Department of Homeland Security relating to the special
17 veteran involved so as to reflect that identification and af-
18 ford an opportunity to track the outcomes for the veteran.
19 Such annotation shall include—

20 (1) the veteran's branch of military service;

21 (2) whether or not the veteran served during a
22 period of military hostilities described in section 329
23 of the Immigration and Nationality Act (8 U.S.C.
24 1440); and

1 (3) the veteran's immigration status at the time
2 of enlistment.

