

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 117-54**  
**OFFERED BY MR. SOTO OF FLORIDA**

Page 1326, after line 21, insert the following:

1           (c) ADJUSTMENT OF STATUS FOR CERTAIN MILI-  
2 TARY SPOUSES.—Section 245 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1255) is amended by adding at  
4 the end the following:

5           “(n)(1) In applying this section to an alien described  
6 in paragraph (2)—

7                   “(A) such alien shall be deemed, for purposes  
8 of subsection (a), to have been inspected and admit-  
9 ted into the United States; and

10                   “(B) in determining the alien’s admissibility as  
11 an immigrant—

12                           “(i) paragraphs (6)(A), (7)(A), and (9)(B)  
13 of section 212(a) shall not apply; and

14                           “(ii) the Secretary of Homeland Security,  
15 in the discretion of the Secretary, may waive  
16 the application of paragraphs (6)(C), (9)(A),  
17 and (9)(C) of section 212(a) if the alien estab-  
18 lishes to the satisfaction of the Secretary that  
19 the alien does not pose a threat to the public

1           and has not committed any criminal offenses in  
2           violation of Federal or State law unrelated to  
3           the alien’s status.

4           “(2) An alien is described in this paragraph if the  
5 alien—

6           “(A) is or was the spouse of a United States  
7 citizen who—

8           “(i) is or was serving on active duty in the  
9 United States Armed Forces or in a reserve  
10 component of the United States Armed Forces;  
11 and

12           “(ii) if discharged or released from service  
13 in the Armed Forces, was discharged or re-  
14 leased under honorable conditions; and

15           “(B) is the beneficiary of a petition for classi-  
16 fication under section 204(a)(1)(A) as an immediate  
17 relative (as defined in section 201(b)) by reason of  
18 the marriage to such citizen.”.

19           (d) TREATMENT OF CERTAIN GROUNDS FOR INAD-  
20 MISSIBILITY FOR CERTAIN MILITARY SPOUSES.—Section  
21 212 of the Immigration and Nationality Act (8 U.S.C.  
22 1182) is amended by inserting after subsection (b) the fol-  
23 lowing:

24           “(c)(1) In determining the admissibility as an immi-  
25 grant of an alien described in paragraph (2)—

1           “(A) subsection (a)(9)(B) shall not apply; and

2           “(B) the Secretary of Homeland Security, in  
3 the discretion of the Secretary, may waive the appli-  
4 cation of paragraphs (6)(C), (9)(A), and (9)(C) of  
5 subsection (a) if the alien establishes to the satisfac-  
6 tion of the Secretary that the alien does not pose a  
7 threat to the public and has not committed any  
8 criminal offenses in violation of Federal or State law  
9 unrelated to the alien’s status.

10          “(2) An alien is described in this paragraph if the  
11 alien—

12           “(A) is or was the spouse of a United States  
13 citizen who—

14           “(i) is or was serving on active duty in the  
15 United States Armed Forces or in a reserve  
16 component of the United States Armed Forces;  
17 and

18           “(ii) if discharged or released from service  
19 in the Armed Forces, was discharged or re-  
20 leased under honorable conditions; and

21           “(B) is the beneficiary of a petition for classi-  
22 fication under section 204(a)(1)(A) as an immediate  
23 relative (as defined in section 201(b)) by reason of  
24 the marriage to such citizen.”.

1 (e) ELIGIBILITY OF REMOVED OR VOLUNTARILY DE-  
2 PARTED ALIENS.—

3 (1) IN GENERAL.—The Secretary of Homeland  
4 Security and the Secretary of State shall take such  
5 steps as may be necessary to ensure that eligible  
6 aliens who were removed or permitted to depart vol-  
7 untarily from the United States before the date of  
8 the enactment of this Act may apply from abroad  
9 for an immigrant visa pursuant to the amendment  
10 made by subsection (d).

11 (2) NONIMMIGRANT ADMISSION PENDING ADJU-  
12 DICATION.—The Secretary of Homeland Security  
13 and the Secretary of State shall establish a program  
14 under which an eligible alien with a pending applica-  
15 tion made under paragraph (1) may be authorized to  
16 enter the United States as a nonimmigrant to re-  
17 unite with their United States citizen spouse during  
18 the period in which such application, and an associ-  
19 ated application for adjustment of status, remain  
20 pending. In determining whether an alien is eligible  
21 to be admitted to the United States as a non-  
22 immigrant under this subsection, the Secretary of  
23 Homeland Security and the Secretary of State shall  
24 require the alien to establish to the satisfaction of  
25 each Secretary that the alien does not pose a threat

1 to the public or to national security. In determining  
2 the admissibility as a nonimmigrant of an alien de-  
3 scribed in this subsection, the Secretary of Home-  
4 land Security, in the discretion of the Secretary,  
5 may waive the application of paragraphs (6)(C) and  
6 (9) of section 212(a) of the Immigration and Na-  
7 tionality Act (8 U.S.C. 1182(a)).

