

Calendar No. 562

106TH CONGRESS
2^D SESSION**H. R. 371**

IN THE SENATE OF THE UNITED STATES

MAY 3, 2000

Received; read twice and referred to the Committee on the Judiciary

MAY 18, 2000

Reported by Mr. HATCH, with an amendment

[Omit the part struck through and insert the part printed in italic]

AN ACT

To facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

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 “Hmong Veterans’ Nat-
5 uralization Act of 2000”.

1 **SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIRE-**
2 **MENT FOR CERTAIN ALIENS WHO SERVED**
3 **WITH SPECIAL GUERRILLA UNITS OR IRREG-**
4 **ULAR FORCES IN LAOS.**

5 The requirement of paragraph (1) of section 312(a)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1423(a)(1)) shall not apply to the naturalization of any
8 person—

9 (1) who—

10 (A) was admitted into the United States as
11 a refugee from Laos pursuant to section 207 of
12 the Immigration and Nationality Act (8 U.S.C.
13 1157); and

14 (B) served with a special guerrilla unit, or
15 irregular forces, operating from a base in Laos
16 in support of the United States military at any
17 time during the period beginning February 28,
18 1961, and ending September 18, 1978; or

19 (2) who—

20 (A) satisfies the requirement of paragraph
21 (1)(A); and

22 (B) was the spouse of a person described
23 in paragraph (1) on the day on which such de-
24 scribed person applied for admission into the
25 United States as a refugee.

1 **SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS RE-**
2 **QUIREMENT FOR CERTAIN ALIENS WHO**
3 **SERVED WITH SPECIAL GUERRILLA UNITS OR**
4 **IRREGULAR FORCES IN LAOS.**

5 The Attorney General shall provide for special consid-
6 eration, as determined by the Attorney General, con-
7 cerning the requirement of paragraph (2) of section
8 312(a) of the Immigration and Nationality Act (8 U.S.C.
9 1423(a)(2)) with respect to the naturalization of any per-
10 son described in paragraph (1) or (2) of section 2 of this
11 Act.

12 **SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.**

13 A person seeking an exemption under section 2 or
14 special consideration under section 3 shall submit to the
15 Attorney General documentation of their, or their
16 spouse's, service with a special guerrilla unit, or irregular
17 forces, described in section 2(1)(B), in the form of—

18 (1) original documents;

19 (2) an affidavit of the serving person's superior
20 officer;

21 (3) two affidavits from other individuals who
22 also were serving with such a special guerrilla unit,
23 or irregular forces, and who personally knew of the
24 person's service; or

25 (4) other appropriate proof.

1 **SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION**
2 **AND SPECIAL CONSIDERATION.**

3 In determining a person's eligibility for an exemption
4 under section 2 or special consideration under section 3,
5 the Attorney General—

6 (1) shall review the refugee processing docu-
7 mentation for the person, or, in an appropriate case,
8 for the person and the person's spouse, to verify that
9 the requirements of section 2 relating to refugee ap-
10 plications and admissions have been satisfied;

11 (2) shall consider the documentation submitted
12 by the person under section 4;

13 ~~(3) shall request an advisory opinion from the~~
14 ~~Secretary of Defense regarding the person's, or their~~
15 ~~spouse's, service in a special guerrilla unit, or irreg-~~
16 ~~ular forces, described in section 2(1)(B) and shall~~
17 ~~take into account that opinion; and~~

18 (4) may consider any certification prepared by
19 the organization known as "Lao Veterans of Amer-
20 ica, Inc.," or any similar organization maintaining
21 records with respect to Hmong veterans or their
22 families.

23 *(3) may request an advisory opinion from the*
24 *Secretary of Defense regarding the person's, or their*
25 *spouse's, service in a special guerrilla unit, or irreg-*
26 *ular forces, described in section 2(1)(B); and*

1 (4) may consider any documentation provided
2 by organizations maintaining records with respect to
3 Hmong veterans or their families.

4 The Secretary of Defense shall provide any opinion re-
5 quested under paragraph (3) to the extent practicable, and
6 the Attorney General shall take into account any opinion
7 that the Secretary of Defense is able to provide.

8 **SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF**
9 **FEES.**

10 This Act shall apply to a person only if the person's
11 application for naturalization is filed, as provided in sec-
12 tion 334 of the Immigration and Nationality Act (8 U.S.C.
13 1445), with appropriate fees not later than 18 months
14 after the date of the enactment of this Act.

15 **SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.**

16 Notwithstanding any other provision of this Act, the
17 total number of aliens who may be granted an exemption
18 under section 2 or special consideration under section 3,
19 or both, may not exceed 45,000.

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