

AMENDMENT TO RULES COMMITTEE PRINT 113-

44

OFFERED BY MR. DENHAM OF CALIFORNIA

At the end of subtitle C of title V, add the following new section:

1 **SEC. 5___ . AUTHORITY TO ENLIST IN THE ARMED FORCES**
2 **CERTAIN ALIENS LACKING LAWFUL IMMI-**
3 **GRATION STATUS; RECORD OF ADMISSION**
4 **FOR PERMANENT RESIDENCE IN THE CASE**
5 **OF SUCH ENLISTEES BY REASON OF HONOR-**
6 **ABLE SERVICE.**

7 (a) CERTAIN ALIENS AUTHORIZED FOR ENLIST-
8 MENT.—Subsection (b)(1) of section 504 of title 10,
9 United States Code, is amended by adding at the end the
10 following new subparagraph:

11 “(D) An alien who (i) was unlawfully present in
12 the United States on December 31, 2011; (ii) was
13 younger than 15 years of age on the date the alien
14 initially entered the United State; (iii) since that
15 date has remained in the United States continuously
16 without lawful immigration status; and (iv) dis-
17 regarding the alien’s immigration status, is other-
18 wise eligible for original enlistment in a regular com-

1 ponent of the Army, Navy, Air Force, Marine Corps,
2 or Coast Guard under section 505(a) of this title
3 and regulations issued to implement such section.”.

4 (b) CONDITIONAL ADMISSION TO PERMANENT RESI-
5 DENCE OF ALIEN ENLISTEES.—Such section is further
6 amended by adding at the end the following new sub-
7 section:

8 “(c) CONDITIONAL ADMISSION TO PERMANENT RES-
9 IDENCE OF ALIEN ENLISTEES.—(1) The Secretary of
10 Homeland Security shall adjust the status of an alien de-
11 scribed in subsection (b)(1)(D) who enlists in a regular
12 component of the Army, Navy, Air Force, Marine Corps,
13 or Coast Guard to the status of an alien lawfully admitted
14 for permanent residence under the provisions of section
15 249 of the Immigration and Nationality Act (8 U.S.C.
16 1259), except that the alien does not have to—

17 “(A) establish that he or she entered the
18 United States prior to January 1, 1972; or

19 “(B) comply with section 212(e) of such Act (8
20 U.S.C. 1182(e)).

21 “(2) The lawful permanent resident status of an alien
22 described in subsection (b)(1)(D) who enlisted in a regular
23 component of the armed forces and whose status was ad-
24 justed under paragraph (1) is automatically rescinded, by
25 operation of law, if the alien is separated from the armed

1 forces under other than honorable conditions before the
2 alien serves the term of enlistment of such alien. Such
3 grounds for rescission are in addition to any other grounds
4 for rescission provided by law. Proof of separation from
5 the armed forces under other than honorable conditions
6 shall be established by a duly authenticated certification
7 from the armed force in which the alien last served.

8 “(3) Nothing in this subsection shall be construed to
9 alter—

10 “(A) the process prescribed by sections 328,
11 329, and 329A of the Immigration and Nationality
12 Act (8 U.S.C. 1439, 1440, 1440–1) by which a per-
13 son may naturalize through service in the armed
14 forces; or

15 “(B) the qualifications for original enlistment
16 in the armed forces described in section 505(a) of
17 this title and regulations issued to implement such
18 section.”.

19 (c) OFFSET AND DELAYED EFFECTIVE DATE.—

20 (1) BUDGETARY EFFECTS.—Not later than 30
21 days after the date of the enactment of this Act, the
22 President shall submit to Congress an analysis of
23 the budgetary effects of enactment of this section
24 and a determination regarding whether such enact-
25 ment would result in an increase in the deficit in the

1 current year, the budget year, or the subsequent
2 nine fiscal years.

3 (2) DELAYED EFFECTIVE DATE.—With the ex-
4 ception of paragraph (1), this section and the
5 amendments made by this section shall become ef-
6 fective only upon enactment of an Act referencing
7 this section and the title of which is as follows: “An
8 Act to provide budgetary treatment of changes to
9 enlistment policies of the Armed Forces.”.

10 (d) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
12 section is amended to read as follows:

13 **“§ 504. Persons not qualified; citizenship or residency**
14 **requirements; exceptions”.**

15 (2) TABLE OF SECTIONS.—The table of sections
16 at the beginning of chapter 31 of such title is
17 amended by striking the item relating to section 504
18 and inserting the following new item:

“504. Persons not qualified; citizenship or residency requirements; exceptions.”.

