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:

SEC. 5. AUTHORITY TO ENLIST IN THE ARMED FORCES

CERTAIN ALIENS LACKING LAWFUL IMMIGRATION STATUS; RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF SUCH ENLISTEES BY REASON OF HONORABLE SERVICE.

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

"(D) An alien who (i) was unlawfully present in the United States on December 31, 2011; (ii) was younger than 15 years of age on the date the alien initially entered the United State; (iii) since that date has remained in the United States continuously without lawful immigration status; and (iv) disregarding the alien’s immigration status, is otherwise eligible for original enlistment in a regular com-
ponent of the Army, Navy, Air Force, Marine Corps, or Coast Guard under section 505(a) of this title and regulations issued to implement such section.”.

(b) CONDITIONAL ADMISSION TO PERMANENT RESIDENCE OF ALIEN ENLISTEES.—Such section is further amended by adding at the end the following new subsection:

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

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

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

“(2) The lawful permanent resident status of an alien described in subsection (b)(1)(D) who enlisted in a regular component of the armed forces and whose status was adjusted under paragraph (1) is automatically rescinded, by operation of law, if the alien is separated from the armed
forces under other than honorable conditions before the
alien serves the term of enlistment of such alien. Such
grounds for rescission are in addition to any other grounds
for rescission provided by law. Proof of separation from
the armed forces under other than honorable conditions
shall be established by a duly authenticated certification
from the armed force in which the alien last served.

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

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

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

(c) OFFSET AND DELAYED EFFECTIVE DATE.—

(1) BUDGETARY EFFECTS.—Not later than 30
days after the date of the enactment of this Act, the
President shall submit to Congress an analysis of
the budgetary effects of enactment of this section
and a determination regarding whether such enact-
ment would result in an increase in the deficit in the
current year, the budget year, or the subsequent nine fiscal years.

(2) **DELAYED EFFECTIVE DATE.**—With the exception of paragraph (1), this section and the amendments made by this section shall become effective only upon enactment of an Act referencing this section and the title of which is as follows: “An Act to provide budgetary treatment of changes to enlistment policies of the Armed Forces.”.

(d) **CLERICAL AMENDMENTS.**—

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

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

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

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