



AMENDMENT NO. _____ Calendar No. _____

Purpose: Relating to enlistment and consequences of certain service in the Armed Forces.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

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AMENDMENT N^o 1776

By Kirk

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AMENDMENT intended to be proposed by Mr. KIRK to the amendment (No. 1463) proposed by Mr. MCCAIN

Viz:

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

2 **SEC. 524. QUALIFICATIONS FOR ENLISTMENT IN THE**
3 **ARMED FORCES.**

4 (a) **ADDITIONAL QUALIFIED PERSONS.**—Paragraph
5 (1) of subsection (b) of section 504 of title 10, United
6 States Code, is amended—

7 (1) by redesignating subparagraph (C) as sub-
8 paragraph (E); and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing new subparagraphs:

1 “(C) A person who, at the time of enlistment in
2 an armed force, has resided continuously in a lawful
3 status in the United States for at least two years.

4 “(D) A person who, at the time of enlistment
5 in an armed force, possesses an employment author-
6 ization document issued by United States Citizen-
7 ship and Immigration Services under the require-
8 ments of the Department of Homeland Security pol-
9 icy entitled ‘Deferred Action for Childhood Arrivals’
10 (DACA).”.

11 (b) ADMISSION TO PERMANENT RESIDENCE OF CER-
12 TAIN ENLISTEES.—Such section is further amended by
13 adding at the end the following new subsection:

14 “(c) ADMISSION TO PERMANENT RESIDENCE OF
15 CERTAIN ENLISTEES.—(1) A person described in sub-
16 section (b) who, at the time of enlistment in an armed
17 force, is not a citizen or other national of the United
18 States or lawfully admitted for permanent residence shall
19 be adjusted to the status of an alien lawfully admitted for
20 permanent residence under the provisions of section 249
21 of the Immigration and Nationality Act (8 U.S.C. 1259),
22 except that the alien need not—

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

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

3 “(2) The Secretary of Homeland Security shall re-
4 scind the lawful permanent resident status of a person
5 whose status was adjusted under paragraph (1) if the per-
6 son is separated from the armed forces under other than
7 honorable conditions before the person served for a period
8 or periods aggregating five years. Such grounds for rescis-
9 sion are in addition to any other provided by law. The
10 fact that the person was separated from the armed forces
11 under other than honorable conditions shall be proved by
12 a duly authenticated certification from the armed force in
13 which the person last served. The service of the person
14 in the armed forces shall be proved by duly authenticated
15 copies of the service records of the person.

16 “(3) Nothing in this subsection shall be construed to
17 alter the process prescribed by sections 328, 329, and
18 329A of the Immigration and Nationality Act (8 U.S.C.
19 1439, 1440, 1440–1) by which a person may naturalize
20 through service in the armed forces.”.

21 (c) CLERICAL AMENDMENTS.—

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

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

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

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

7 **SEC. 525. TREATMENT OF CERTAIN PERSONS AS HAVING**
8 **SATISFIED ENGLISH AND CIVICS, GOOD**
9 **MORAL CHARACTER, AND HONORABLE SERV-**
10 **ICE AND DISCHARGE REQUIREMENTS FOR**
11 **NATURALIZATION.**

12 (a) IMMIGRATION AND NATIONALITY ACT.—The Im-
13 migration and Nationality Act (8 U.S.C. 1101 et seq.) is
14 amended by inserting after section 329A (8 U.S.C. 1440–
15 1) the following:

16 **“SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR**
17 **ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE**
18 **PARTICIPATION IN COMBAT.**

19 “(a) IN GENERAL.—

20 “(1) IN GENERAL.—For purposes of naturaliza-
21 tion and continuing citizenship under the following
22 provisions of law, a person who has received an
23 award described in subsection (b) shall be treated—

1 “(A) as having satisfied the requirements
2 under sections 312(a) and 316(a)(3), and sub-
3 sections (b)(3), (c), and (e) of section 328; and

4 “(B) except as provided in paragraph (2),
5 under sections 328 and 329—

6 “(i) as having served honorably in the
7 Armed Forces for (in the case of section
8 328) a period or periods aggregating 1
9 year; and

10 “(ii) if separated from such service, as
11 having been separated under honorable
12 conditions.

13 “(2) REVOCATION.—Notwithstanding para-
14 graph (1)(B), any person who separated from the
15 Armed Forces under other than honorable conditions
16 may be subject to revocation of citizenship under
17 section 328(f) or 329(c) if the other requirements
18 under such section are met.

19 “(b) APPLICATION.—This section shall apply with re-
20 spect to the following awards from the Armed Forces of
21 the United States:

22 “(1) The Combat Infantryman Badge from the
23 Army.

24 “(2) The Combat Medical Badge from the
25 Army.

1 “(3) The Combat Action Badge from the Army.

2 “(4) The Combat Action Ribbon from the
3 Navy, the Marine Corps, or the Coast Guard.

4 “(5) The Air Force Combat Action Medal.

5 “(6) Any other award that the Secretary of De-
6 fense determines to be an equivalent award for en-
7 gagement in active combat or active participation in
8 combat.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of such Act (8 U.S.C. 1101 et seq.) is amended by insert-
11 ing after the item relating to section 329A the following:

 “Sec. 329B. Persons who have received an award for engagement in active
 combat or active participation in combat.”.