

KIRK AMENDMENT SA 1776

TEXT OF AMENDMENT

SA 1776. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 1463 proposed by Mr. MCCAIN to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 524. QUALIFICATIONS FOR ENLISTMENT IN THE ARMED FORCES.

(a) Additional Qualified Persons.—Paragraph (1) of subsection (b) of section 504 of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

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

“(D) A person who, at the time of enlistment in an armed force, possesses an employment authorization document issued by United States Citizenship and Immigration Services under the requirements of the Department of Homeland Security policy entitled ‘Deferred Action for Childhood Arrivals’ (DACA).”.

(b) Admission to Permanent Residence of Certain Enlistees.—Such section is further amended by adding at the end the following new subsection:

“(c) Admission to Permanent Residence of Certain Enlistees.—(1) A person described in subsection (b) who, at the time of enlistment in an armed force, is not a citizen or other national of the United States or lawfully admitted for permanent residence shall be adjusted 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 need not—

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

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

“(2) The Secretary of Homeland Security shall rescind the lawful permanent resident status of a person whose status was adjusted under paragraph (1) if the person is separated from the armed forces under other than honorable conditions before the person served for a period or periods aggregating five years. Such grounds for rescission are in addition to any other provided by law. The fact that the person was separated from the armed forces under other than honorable conditions shall be proved by a duly authenticated certification from the armed force in which the person last served. The service of the person in the armed forces shall be proved by duly authenticated copies of the service records of the person.

“(3) Nothing in this subsection shall be construed to alter 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 person may naturalize through service in the armed forces.”.

(c) 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.”.

SEC. 525. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) Immigration and Nationality Act.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 329A (8 U.S.C. 1440-1) the following:

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

“(a) In General.—

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

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

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

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

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

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

“(b) Application.—This section shall apply with respect to the following awards from the Armed Forces of the United States:

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

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

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

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

“(5) The Air Force Combat Action Medal.

“(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.”.

(b) Clerical Amendment.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting 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.”.