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AMENDMENT TO H.R. 4435 OFFERED BY MR. SMITH OF WASHINGTON

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 WHO ARE UNLAWFULLY**
3 **PRESENT IN THE UNITED STATES AND LEGAL**
4 **STATUS OF SUCH ENLISTEES BY REASON OF**
5 **HONORABLE SERVICE IN THE ARMED**
6 **FORCES.**

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 was unlawfully present in
12 the United States on December 31, 2011, who has
13 been continuously present in the United States since
14 that date, who was younger than 15 years of age on
15 the date the alien initially entered the United States,
16 and who, disregarding such unlawful status, is oth-
17 erwise eligible for original enlistment in a regular
18 component of the Army, Navy, Air Force, Marine
19 Corps, or Coast Guard under section 505(a) of this

1 title and regulations issued to implement such sec-
2 tion.”.

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

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

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

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

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23 justed under paragraph (1) is automatically rescinded, by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

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

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

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

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

