SEC. ___ . REIMBURSEMENT OF COSTS INCURRED BY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES FOR PROCESSING AND ADJUDICATING APPLICATIONS FOR CITIZENSHIP BY MILITARY PERSONNEL.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245a the following new section:

"§ 2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel: authority

"(a) AUTHORIZATION OF PAYMENTS.—Using funds available for operation and maintenance and notwithstanding section 2215 of this title, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by United States Citizenship and Immigration Services of applications for naturalization under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

"(b) DISPOSITION OF FUNDS.—Any amount received by the Secretary of Homeland Security as a reimbursement under subsection (a) shall be deposited, and shall remain available, as provided by subsections (m) and (n), respectively, of section 286 of such Act (8 U.S.C. 1356).

"(c) DETERMINATION OF AMOUNT OF REIMBURSEMENTS.—The amount of reimbursements under subsection (a) shall be based on actual costs incurred by United States Citizenship and Immigration Services for processing and adjudicating applications for naturalization that are described in subsection (a).

1 "(d) ANNUAL LIMITATION.—The amount of reimbursements under this section in any

2 fiscal year may not exceed the amount appropriated for that purpose for that fiscal year.".

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is

4 amended by inserting after the item relating to section 2245a the following new item:

"2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel: authority.".

Section-by-Section Analysis

This proposal would give funding responsibility to the Department of Defense for the costs incurred for the processing and adjudication of applications for citizenship by military personnel and provide authority for Defense funds to be used to reimburse the Department of Homeland Security for these purposes. Pursuant to section 1701 of the FY 2004 Defense Authorization Act (P.L. 108-136), U.S. Citizenship and Immigration Services (USCIS) in DHS was directed not to charge fees to military members applying for citizenship. The costs of naturalization are borne by the government. The FY 2010 Homeland Appropriations Act provided funding to USCIS for military naturalizations. Legal Permanent Residents (green card holders) are eligible to enlist and pursue naturalization at no personal expense. The Services do not have the ability to deny enlistment of an otherwise eligible Legal permanent Resident because of a lack of funding for their naturalization.

Budget Implications: Funds are already budgeted. This proposal would provide the Department of Defense with the legislative authority to carry out this program.

Military Naturalization Support ($ millions) REFLECTED IN FY 2012 PRESIDENT'S BUDGET								
	FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
OM-DW	$6.4	$6.6	$6.7	$6.8	$7.0	O&M, D-W	4	OSD
Total	$6.4	$6.4	$6.4	$6.4	$6.4			

Changes to Existing Laws: This proposal would add a new section 2246 to title 10, United States Code. The text of the new section is shown in the legislative proposal above.