

113TH CONGRESS
1ST SESSION

H. R. 435

To amend title 10, United States Code, to authorize the enlistment in the Armed Forces of additional persons who are residing in the United States and to lawfully admit for permanent residence certain enlistees who are not citizens or other nationals of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2013

Mr. COFFMAN introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to authorize the enlistment in the Armed Forces of additional persons who are residing in the United States and to lawfully admit for permanent residence certain enlistees who are not citizens or other nationals of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Enlistment
5 Opportunity Act of 2013”.

1 **SEC. 2. QUALIFICATIONS FOR ENLISTMENT IN THE ARMED**
2 **FORCES.**

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

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

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

10 “(C) A person who, at the time of enlist-
11 ment in an armed force, has resided continu-
12 ously in a lawful status in the United States for
13 at least two years.

14 “(D) A person who, at the time of enlist-
15 ment in an armed force, possesses an employ-
16 ment authorization document issued by United
17 States Citizenship and Immigration Services
18 under the requirements of the Department of
19 Homeland Security policy entitled ‘Deferred Ac-
20 tion for Childhood Arrivals’ (DACA).”.

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

24 “(c) **ADMISSION TO PERMANENT RESIDENCE OF**
25 **CERTAIN ENLISTEES.**—(1) A person described in sub-
26 section (b) who, at the time of enlistment in an armed

1 force, is not a citizen or other national of the United
2 States or lawfully admitted for permanent residence shall
3 be adjusted to the status of an alien lawfully admitted for
4 permanent residence under the provisions of section 249
5 of the Immigration and Nationality Act (8 U.S.C. 1259),
6 except that the alien need not—

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

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

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

24 “(3) Nothing in this subsection shall be construed to
25 alter the process prescribed by sections 328, 329, and

1 329A of the Immigration and Nationality Act (8 U.S.C.
2 1439, 1440, 1440–1) by which a person may naturalize
3 through service in the armed forces.”.

4 (c) CLERICAL AMENDMENTS.—

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

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

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

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

○