

114TH CONGRESS
1ST SESSION

S. 2160

To amend title 10, United States Code, relating to enlistment and consequences of certain service in the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2015

Mr. KIRK (for himself and Mr. HELLER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 10, United States Code, relating to enlistment and consequences of certain service in the Armed Forces, and for other purposes.

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 2015”.

6 **SEC. 2. QUALIFICATIONS FOR ENLISTMENT IN THE ARMED**
7 **FORCES.**

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

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

3 (2) by inserting after subparagraph (B) the fol-
4 lowing new subparagraphs:

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

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

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

18 “(c) ADMISSION TO PERMANENT RESIDENCE OF
19 CERTAIN ENLISTEES.—(1) A person described in sub-
20 section (b) who, at the time of enlistment in an armed
21 force, is not a citizen or other national of the United
22 States or lawfully admitted for permanent residence shall
23 be adjusted to the status of an alien lawfully admitted for
24 permanent residence under the provisions of section 249

1 of the Immigration and Nationality Act (8 U.S.C. 1259),
2 except that the alien need not—

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

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

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

20 “(3) Nothing in this subsection shall be construed to
21 alter the process prescribed by sections 328, 329, and
22 329A of the Immigration and Nationality Act (8 U.S.C.
23 1439, 1440, 1440–1) by which a person may naturalize
24 through service in the armed forces.”.

25 (c) CLERICAL AMENDMENTS.—

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

3 **“§ 504. Persons not qualified; citizenship or residency**
4 **requirements; exceptions”.**

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

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

9 **SEC. 3. TREATMENT OF CERTAIN PERSONS AS HAVING SAT-**
10 **ISFIED ENGLISH AND CIVICS, GOOD MORAL**
11 **CHARACTER, AND HONORABLE SERVICE AND**
12 **DISCHARGE REQUIREMENTS FOR NATU-**
13 **RALIZATION.**

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

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

21 **“(a) IN GENERAL.—**

22 **“(1) IN GENERAL.—**For purposes of naturaliza-
23 tion and continuing citizenship under the following
24 provisions of law, a person who has received an
25 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.”.

○