

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
ANGE SAMMA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:20-cv-01104-PLF
)	The Honorable Paul L. Friedman
UNITED STATES DEPARTMENT OF)	
DEFENSE and LLOYD J. AUSTIN III, in his)	
official capacity as Secretary of Defense,)	
)	
Defendants.)	
_____)	

NOTICE OF RECENTLY ENACTED STATUTORY AUTHORITY

Defendants respectfully provide notice that on December 27, 2021, after Defendants filed their opposition to Plaintiffs’ post-judgment motion, President Biden signed the National Defense Authorization Act for Fiscal Year 2022 (“2022 NDAA”) into law. Pub. L. 117-81. Section 523 of the 2022 NDAA supplements Defendants’ authority to prescribe regulations addressing policies in the same area as some of Plaintiffs’ requests for relief. In sum, Section 523 provides that the Secretary of each military department prescribe regulations that ensure that military recruits who are not U.S. citizens receive proper notice of options for naturalization. Section 523 also requires the Secretary of Homeland Security, through the Director of U.S. Citizenship and Immigration Services, and in coordination with the Secretary of Defense, to provide to service members who are not U.S. citizens notice of options for naturalization upon their separation from the Armed Forces. Attached are relevant excerpts of the 2022 NDAA and the 2022 NDAA’s explanatory statement, printed in the House section of the Congressional Record on December 7, 2021.¹

¹ Section 5 of the 2022 NDAA explains that “[t]he explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 8, 2021, . . . shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.”

Defendants will provide additional briefing on the impact of the NDAA on the pending motion as directed by the Court.

Dated: January 19, 2022

Respectfully submitted,

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/s/ Liam C. Holland

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