

108TH CONGRESS
1ST SESSION

S. 783

AN ACT

To expedite the granting of posthumous citizenship to
members of the United States Armed Forces.

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

1 **SECTION 1. GRANTING OF POSTHUMOUS CITIZENSHIP TO**
2 **MEMBERS OF THE ARMED FORCES.**

3 (a) REQUESTS AND DOCUMENTATION FOR POST-
4 HUMOUS CITIZENSHIP.—Section 329A of the Immigration
5 and Nationality Act (8 U.S.C. 1440–1) is amended—

6 (1) by striking subsection (c) and inserting the
7 following:

8 “(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

9 “(1) IN GENERAL.—A request for the granting
10 of posthumous citizenship to a person described in
11 subsection (b) may be filed on behalf of that
12 person—

13 “(A) upon locating the next-of-kin, and if
14 so requested by the next-of-kin, by the Sec-
15 retary of Defense or the Secretary’s designee
16 with the Bureau of Citizenship and Immigra-
17 tion Services in the Department of Homeland
18 Security immediately upon the death of that
19 person; or

20 “(B) by the next-of-kin.

21 “(2) APPROVAL.—The Director of the Bureau
22 of Citizenship and Immigration Services shall ap-
23 prove a request for posthumous citizenship filed by
24 the next-of-kin in accordance with paragraph (1)(B)
25 if—

1 “(A) the request is filed not later than 2
2 years after—

3 “(i) the date of enactment of this sec-
4 tion; or

5 “(ii) the date of the person’s death;
6 whichever date is later;

7 “(B) the request is accompanied by a duly
8 authenticated certificate from the executive de-
9 partment under which the person served which
10 states that the person satisfied the require-
11 ments of paragraphs (1) and (2) of subsection
12 (b); and

13 “(C) the Director finds that the person
14 satisfied the requirement of subsection (b)(3).”;
15 and

16 (2) by striking subsection (d) and inserting the
17 following:

18 “(d) DOCUMENTATION OF POSTHUMOUS CITIZEN-
19 SHIP.—If the Director of the Bureau of Citizenship and
20 Immigration Services approves the request referred to in
21 subsection (c), the Director shall send to the next-of-kin
22 of the person who is granted citizenship, a suitable docu-
23 ment which states that the United States considers the
24 person to have been a citizen of the United States at the
25 time of the person’s death.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 Section 329A(a) of the Immigration and Nationality Act
3 (8 U.S.C. 1440–1(a)) is amended by striking “the Attor-
4 ney General” each place that term appears and inserting
5 “the Secretary of Homeland Security”.

6 (c) EFFECTIVE DATE.—This Act and the amend-
7 ments made by this Act shall take effect as if enacted on
8 September 11, 2001.

Passed the Senate April 10, 2003.

Attest:

Secretary.

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