

108TH CONGRESS
1ST SESSION

S. 783

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Referred to the Committee on the Judiciary

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 per-
12 son—

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: EMILY J. REYNOLDS,
Secretary.