

98TH CONGRESS
1ST SESSION

S. 1083

To amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States Armed Forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' deaths.

IN THE SENATE OF THE UNITED STATES

APRIL 19 (legislative day, APRIL 18), 1983

Mr. TSONGAS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States Armed Forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' deaths.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Immigration and Nationality Act (8 U.S.C. 1101 et
- 4 seq.) is amended by inserting after section 329 the following
- 5 new section:

1 "POSTHUMOUS NATURALIZATION THROUGH DEATH
2 WHILE ON ACTIVE-DUTY SERVICE IN THE ARMED
3 FORCES DURING WORLD WAR I, WORLD WAR II, THE
4 KOREAN HOSTILITIES, THE VIETNAM HOSTILITIES,
5 OR IN OTHER PERIODS OF MILITARY HOSTILITIES

6 "SEC. 329A. (a) Notwithstanding any other provision of
7 this title, any person who, while an alien or a noncitizen
8 national of the United States—

9 "(1) served honorably in an active-duty status in
10 the military, air, or naval forces of the United States—

11 "(A) during either World War I or during a
12 period beginning September 1, 1939, and ending
13 December 31, 1946, or during a period beginning
14 June 25, 1950, and ending July 1, 1955, or
15 during a period beginning February 28, 1961, and
16 ending on a date designated by the President by
17 Executive order as the date of termination of the
18 Vietnam hostilities; or

19 "(B) thereafter during any other period
20 which the President by Executive order shall des-
21 ignate as a period in which Armed Forces of the
22 United States are or were engaged in military op-
23 erations involving armed conflict with a hostile
24 foreign force;

1 “(2) died as a result of injury or disease incurred
2 in or aggravated by such service; and

3 “(3) satisfied the requirements of clause (1) or
4 clause (2) of the first sentence of section 329(a);

5 shall, upon the Attorney General’s approval of a request
6 under subsection (b)(2), be considered to have been a citizen
7 of the United States at the time of such person’s death. The
8 executive department under which such person so served
9 shall determine whether such person satisfied the require-
10 ments contained in paragraphs (1) and (2).

11 “(b)(1) A request for the granting of posthumous citizen-
12 ship to a person described in subsection (a) may be filed on
13 behalf of such person by any member of such person’s family
14 or any other individual designated by the Attorney General
15 as eligible to file such a request.

16 “(2) Any request so filed shall be approved by the At-
17 torney General if—

18 “(A) such request is filed—

19 “(i) not later than five years after the date of
20 the enactment of this section, in the case where
21 such person’s death was a result of injury or dis-
22 ease incurred in or aggravated by service during
23 World War I or any other period described in
24 subsection (a)(1)(A); or

1 “(ii) not later than five years after the date
2 of such person’s death, in the case where such
3 death was a result of injury or disease incurred in
4 or aggravated by service during a period described
5 in subsection (a)(1)(B);

6 “(B) such request is accompanied by a duly
7 authenticated certification from the executive depart-
8 ment under which such person served which states that
9 such person satisfied the requirements contained in
10 paragraphs (1) and (2) of subsection (a); and

11 “(C) the Attorney General finds that such person
12 satisfied the requirement contained in paragraph (3) of
13 subsection (a).

14 “(c) If the Attorney General approves under subsection
15 (b)(2) a request to grant a person posthumous citizenship,
16 then the Attorney General shall send a suitable document to
17 the member of such person’s family, or to any other individu-
18 al, who filed such request which states that the United States
19 considers such person to have been a citizen of the United
20 States at the time of such person’s death.”

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