

108TH CONGRESS  
1ST SESSION

# H. R. 3480

To require the construction at Arlington National Cemetery of a memorial to noncitizens killed in the line of duty while serving in the Armed Forces of the United States of America.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2003

Mr. CUNNINGHAM (for himself and Ms. HARMAN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To require the construction at Arlington National Cemetery of a memorial to noncitizens killed in the line of duty while serving in the Armed Forces of the United States of America.

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 “Memorial to Noncitizen  
5       Patriots Act”.

6       **SEC. 2. CONGRESSIONAL FINDINGS.**

7       (a) The Congress finds the following:

1           (1) There is a long history of noncitizens serv-  
2           ing in the Armed Forces of the United States of  
3           America.

4           (2) Noncitizens have been engaged in American  
5           battles since the Colonial period, both as volunteers  
6           and conscripts.

7           (3) George Washington, a British subject, led  
8           our American Revolution and the Marquis de Lafay-  
9           ette, a citizen of France, and hundreds of other non-  
10          citizens helped win our independence.

11          (4) In the War of 1812, some Irish nationals  
12          helped the United States fight British invaders.

13          (5) Thousands of noncitizens fought for the  
14          Union Army in the Civil War.

15          (6) Roughly one in five wartime draftees during  
16          World War I was foreign-born, and approximately 9  
17          percent were noncitizens.

18          (7) According to one recent study, more than  
19          20 percent of the 3,400 members of the Armed  
20          Forces who have been awarded the Medal of Honor,  
21          the Nation's highest military honor, were immi-  
22          grants, though the precise number of noncitizens  
23          who received this award is not known.

24          (8) Today, 36,177 members of the Armed  
25          Forces are noncitizens, making up about 5 percent

1 of active duty members, and 12,132 members of the  
2 Selected Reserve are noncitizens.

3 (9) About a third of today's noncitizen mem-  
4 bers of the Armed Forces come from Mexico and  
5 other Spanish-speaking countries and the rest are  
6 from the Philippines, China, Vietnam, Canada,  
7 Korea, India, and other countries.

8 (10) These men and women in uniform, born in  
9 other countries, now spend each day in honorable  
10 service to their adopted land.

11 (11) These men and women love the United  
12 States and show it in their daily devotion to duty.

13 (12) The role of noncitizen members of the  
14 Armed Forces recently received widespread attention  
15 when a noncitizen from Guatemala became the sec-  
16 ond American member of the Armed Forces to die  
17 in Operation Iraqi Freedom.

18 (13) Noncitizen members of the Armed Forces  
19 from Mexico, Colombia, the Republic of the Phil-  
20ippines, Scotland, Guyana, the Dominican Republic,  
21 Cuba, Haiti, Nicaragua, and Poland have also given  
22 their lives in the line of duty in Iraq.

23 (14) The sacrifice that these and other nonciti-  
24zens have made for their adopted country deserves  
25 special recognition and appreciation.

1           (15) Among the special recognitions a grateful  
2           nation can confer is establishment of a memorial to  
3           those noncitizens killed in the line of duty while  
4           serving in the Armed Forces of the United States.

5 **SEC. 3. CONSTRUCTION OF MEMORIAL TO NONCITIZENS**  
6                           **KILLED IN THE LINE OF DUTY WHILE SERV-**  
7                           **ING IN THE ARMED FORCES OF THE UNITED**  
8                           **STATES.**

9           (a) CONSTRUCTION REQUIRED.—The Secretary of  
10          the Army shall, in consultation with the Secretary of Vet-  
11          erans Affairs, construct at an appropriate place in Arling-  
12          ton National Cemetery, Virginia, a memorial marker hon-  
13          oring the service and sacrifice of noncitizens killed in the  
14          line of duty while serving in the Armed Forces of the  
15          United States.

16          (b) AVAILABILITY OF FUNDS.—There is authorized  
17          to be appropriated to the Secretary of the Army \$500,000  
18          for the design and construction of the memorial marker  
19          required by subsection (a).

20 **SEC. 4. DONATIONS FOR MEMORIAL TO NONCITIZENS**  
21                           **KILLED IN THE LINE OF DUTY WHILE SERV-**  
22                           **ING IN THE ARMED FORCES OF THE UNITED**  
23                           **STATES.**

24          (a) AUTHORITY TO ACCEPT DONATIONS.—The Sec-  
25          retary of Veterans Affairs may accept gifts and donations

1 of services, money, and property (including personal, tan-  
2 gible, or intangible property) for the purpose of con-  
3 structing an appropriate memorial or monument to non-  
4 citizens killed in the line of duty while serving in the  
5 Armed Forces of the United States, whether such memo-  
6 rial or monument is constructed by the Secretary or is  
7 the memorial marker required by section 3.

8 (b) TRANSFER.—(1) The Secretary of Veterans Af-  
9 fairs may transfer to the Secretary of the Army any serv-  
10 ices, money, or property accepted by the Secretary under  
11 subsection (a) for the purpose of the construction of the  
12 memorial marker required by section 3.

13 (2) Any moneys transferred to the Secretary of the  
14 Army under paragraph (1) shall be merged with amounts  
15 appropriated pursuant to the authorization provided in  
16 section 3(b), and shall be available for the purpose re-  
17 ferred to in that section.

18 (c) EXPIRATION OF AUTHORITY.—The authority of  
19 the Secretary of Veterans Affairs to accept gifts and dona-  
20 tions under subsection (a) shall expire five years after the  
21 date of the enactment of this Act.

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