

108TH CONGRESS
1ST SESSION

S. 897

To amend the Immigration and Nationality Act to change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. CORNYN 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 change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes.

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 “Military Citizenship
5 Act of 2003”.

1 **SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH**
2 **SERVICE IN THE ARMED FORCES OF THE**
3 **UNITED STATES.**

4 (a) REDUCTION OF PERIOD FOR REQUIRED SERV-
5 ICE.—Section 328(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1439(a)) is amended by striking “three
7 years” and inserting “2 years”.

8 (b) PROHIBITION ON IMPOSITION OF FEES RELAT-
9 ING TO NATURALIZATION.—Section 328(b) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1439(b)) is amend-
11 ed—

12 (1) in paragraph (3)—

13 (A) by striking “honorable. The” and in-
14 serting “honorable (the”); and

15 (B) by striking “discharge.” and inserting
16 “discharge); and”; and

17 (2) by adding at the end the following:

18 “(4) notwithstanding any other provision of
19 law, no fee shall be charged or collected from the ap-
20 plicant for filing a petition for naturalization or for
21 the issuance of a certificate of naturalization upon
22 citizenship being granted to the applicant, and no
23 clerk of any State court shall charge or collect any
24 fee for such services unless the laws of the State re-
25 quire such charge to be made, in which case nothing

1 more than the portion of the fee required to be paid
2 to the State shall be charged or collected.”.

3 (c) **NATURALIZATION PROCEEDINGS OVERSEAS FOR**
4 **MEMBERS OF THE ARMED FORCES.**—Notwithstanding
5 any other provision of law, the Secretary of Homeland Se-
6 curity, the Secretary of State, and the Secretary of De-
7 fense shall ensure that any applications, interviews, filings,
8 oaths, ceremonies, or other proceedings under title III of
9 the Immigration and Nationality Act (8 U.S.C. 301 et
10 seq.) relating to naturalization of members of the Armed
11 Forces are available through, as practicable, United States
12 embassies, consulates, and United States military installa-
13 tions overseas.

14 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—
15 Section 328(b)(3) of the Immigration and Nationality Act
16 (8 U.S.C. 1439(b)(3)) is amended by striking “Attorney
17 General” and inserting “Secretary of Homeland Secu-
18 rity”.

19 **SEC. 3. FINALIZATION OF NATURALIZATION PROCEEDINGS**
20 **FOR MEMBERS OF THE ARMED FORCES.**

21 Not later than 90 days after the date of enactment
22 of this Act, the Secretary of Defense shall prescribe a pol-
23 icy that facilitates the opportunity for a member of the
24 Armed Forces to finalize naturalization for which the

1 member has applied. The policy shall include, for such
2 purpose, the following:

3 (1) A high priority for grant of emergency
4 leave.

5 (2) A high priority for transportation on air-
6 craft of, or chartered by, the Armed Forces.

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