

108TH CONGRESS  
1ST SESSION

# S. 940

To amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States.

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IN THE SENATE OF THE UNITED STATES

APRIL 29, 2003

Mr. GRAHAM of South Carolina introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States.

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 “Armed Forces Citizen-  
5       ship Act of 2003”.

6       **SEC. 2. NATURALIZATION THROUGH SERVICE IN THE**  
7       **ARMED FORCES OF THE UNITED STATES.**

8       (a) MINIMUM PERIOD OF SERVICE ELIMINATED.—  
9       Section 328(a) of the Immigration and Nationality Act (8

1 U.S.C. 1439(a)) is amended by striking “for a period or  
2 periods aggregating three years,”.

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

7 (1) in paragraph (3)—

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

10 (B) by striking “discharge.” and inserting  
11 “discharge); and”;

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

13 “(4) notwithstanding any other provision of  
14 law, no fee shall be charged or collected from the ap-  
15 plicant for filing an application under subsection (a)  
16 or for the issuance of a certificate of naturalization  
17 upon citizenship being granted to the applicant, and  
18 no clerk of any State court shall charge or collect  
19 any fee for such services unless the laws of the State  
20 require such charge to be made, in which case noth-  
21 ing more than the portion of the fee required to be  
22 paid to the State shall be charged or collected.”.

23 (c) CONDUCT OF NATURALIZATION PROCEEDINGS  
24 OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF  
25 THE UNITED STATES.—Notwithstanding any other provi-

1 sion of law, the Secretary of Homeland Security, the Sec-  
 2 retary of State, and the Secretary of Defense shall ensure  
 3 that any applications, interviews, filings, oaths, cere-  
 4 monies, or other proceedings under title III of the Immi-  
 5 gration and Nationality Act (8 U.S.C. 1401 et seq.) relat-  
 6 ing to naturalization of members of the Armed Forces are  
 7 available through United States embassies, consulates,  
 8 and as practicable, United States military installations  
 9 overseas.

10 (d) REVOCATION OF CITIZENSHIP FOR SEPARATION  
 11 FROM MILITARY SERVICE UNDER OTHER THAN HONOR-  
 12 ABLE CONDITIONS.—Section 328 of the Immigration and  
 13 Nationality Act (8 U.S.C. 1439) is amended by adding  
 14 at the end the following:

15 “(f) Citizenship granted pursuant to this section may  
 16 be revoked in accordance with section 340 if at any time  
 17 subsequent to naturalization the person is separated from  
 18 the military, air, or naval forces under other than honor-  
 19 able conditions, and such ground for revocation shall be  
 20 in addition to any other provided by law. The fact that  
 21 the naturalized person was separated from the service  
 22 under other than honorable conditions shall be proved by  
 23 a duly authenticated certification from the executive de-  
 24 partment under which the person was serving at the time  
 25 of separation.”.

1       (e) TECHNICAL AND CONFORMING AMENDMENT.—  
2 Section 328(b)(3) of the Immigration and Nationality Act  
3 (8 U.S.C. 1439(b)(3)) is amended by striking “Attorney  
4 General” and inserting “Secretary of Homeland Secu-  
5 rity”.

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