

111TH CONGRESS
1ST SESSION

S. 905

To provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the shootings at the American Civic Association Community Center in Binghamton, New York on April 3, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2009

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the shootings at the American Civic Association Community Center in Binghamton, New York on April 3, 2009, 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 “Posthumous Citizenship
5 for Binghamton Victims Act”.

1 **SEC. 2. GRANTING POSTHUMOUS CITIZENSHIP TO VICTIMS**
2 **OF APRIL 3, 2009, AMERICAN CIVIC ASSOCIA-**
3 **TION COMMUNITY CENTER SHOOTING.**

4 (a) **AUTHORITY.**—Notwithstanding any provision of
5 title III of the Immigration and Nationality Act (8 U.S.C.
6 1401 et seq.), the Secretary of Homeland Security shall
7 provide, in accordance with this section, for the granting
8 of citizenship, as of April 2, 2009, to an individual de-
9 scribed in subsection (b), if the Secretary approves an ap-
10 plication for such citizenship filed under subsection
11 (c)(1)(B).

12 (b) **INDIVIDUAL DESCRIBED.**—An individual de-
13 scribed in this subsection is an individual who—

14 (1) was, as of April 2, 2009—

15 (A) an alien; or

16 (B) a national of the United States who
17 was not a citizen of the United States;

18 (2) died as a result of an injury incurred during
19 the April 3, 2009, shooting at the American Civic
20 Association Community Center in Binghamton, New
21 York; and

22 (3) was not culpable for an act that was a
23 cause of an injury of an individual during the April
24 3, 2009, shooting at the American Civic Association
25 Community Center in Binghamton, New York.

26 (c) **ELIGIBILITY CRITERIA.**—

1 (1) ELIGIBILITY FOR CITIZENSHIP.—Except as
2 otherwise provided in this section, no individual may
3 be granted posthumous citizenship under this section
4 unless—

5 (A) the individual would otherwise have
6 been eligible for naturalization on the date of
7 the individual's death; and

8 (B) a representative of the individual sub-
9 mits an application to the Secretary of Home-
10 land Security seeking a grant of posthumous
11 citizenship.

12 (2) APPLICABILITY OF LIMITATIONS FOR CITI-
13 ZENSHIP.—Except as otherwise provided in this sec-
14 tion, any provision of law that specifically bars or
15 prohibits an individual from being naturalized as a
16 citizen of the United States shall be applied to the
17 granting of posthumous citizenship under this sec-
18 tion.

19 (3) INAPPLICABILITY OF CERTAIN REQUIRE-
20 MENTS.—Notwithstanding section 312 of the Immi-
21 gration and Nationality Act (8 U.S.C. 1423), or any
22 similar provision of law requiring that an individual
23 demonstrate an understanding of the English lan-
24 guage or a knowledge and understanding of the fun-
25 damentals of the history, and of the principles and

1 form of Government of the United States in order
2 to be naturalized, no such demonstration shall be re-
3 quired for the granting of posthumous citizenship
4 under this section.

5 (4) NO REQUIREMENT FOR OATH OF RENUNCI-
6 ATION OR ALLEGIANCE.—No oath of renunciation or
7 allegiance shall be required for the granting of post-
8 humous citizenship to an individual under this sec-
9 tion.

10 (d) DOCUMENTATION OF POSTHUMOUS CITIZEN-
11 SHIP.—If the Secretary of Homeland Security approves
12 a request to grant an individual described in subsection
13 (b) posthumous citizenship, the Secretary shall send to the
14 person who filed the request a suitable document which
15 states that the United States considers the individual to
16 have been a citizen of the United States at the time of
17 the individual's death.

18 (e) NO BENEFITS TO SURVIVORS.—The parents,
19 brothers, sisters, sons, daughter, or any other relative of
20 an individual granted posthumous citizenship under this
21 section may not by virtue of such relationship be accorded
22 any right, privilege, or status under the Immigration and
23 Nationality Act (8 U.S.C. 1101 et seq.).

○