

Public Law 110-382
110th Congress
An Act

To establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

Oct. 9, 2008
[S. 2840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Personnel Citizenship Processing Act”.

Military
Personnel
Citizenship
Processing Act.
8 USC 1101 note.

SEC. 2. OFFICE OF THE FBI LIAISON.

(a) ESTABLISHMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended by adding at the end the following:

“(g) OFFICE OF THE FBI LIAISON.—

“(1) IN GENERAL.—There shall be an Office of the FBI Liaison in the Department of Homeland Security.

“(2) FUNCTIONS.—The Office of the FBI Liaison shall monitor the progress of the functions of the Federal Bureau of Investigation in the naturalization process to assist in the expeditious completion of all such functions pertaining to naturalization applications filed by, or on behalf of—

“(A) current or former members of the Armed Forces under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440);

“(B) current spouses of United States citizens who are currently serving on active duty in the Armed Forces, who qualify for naturalization under section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)), and surviving spouses and children who qualify for naturalization under section 319(d) of such Act; or

“(C) a deceased individual who is eligible for posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.”

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall promulgate rules to carry out the amendment made by subsection (a).

Deadline.
6 USC 271 note.

SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING NATURALIZATION APPLICATIONS FILED BY CURRENT OR FORMER MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

“(g) Not later than 6 months after receiving an application for naturalization filed by a current member of the Armed Forces under subsection (a), section 329(a), or section 329A, by the spouse of such member under section 319(b), or by a surviving spouse or child under section 319(d), United States Citizenship and Immigration Services shall—

“(1) process and adjudicate the application, including completing all required background checks to the satisfaction of the Secretary of Homeland Security; or

“(2) provide the applicant with—

“(A) an explanation for its inability to meet the processing and adjudication deadline under this subsection; and

“(B) an estimate of the date by which the application will be processed and adjudicated.

Reports.

“(h) The Director of United States Citizenship and Immigration Services shall submit an annual report to the Subcommittee on Immigration, Border Security, and Refugees and the Subcommittee on Homeland Security of the Senate and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on Homeland Security of the House of Representatives that identifies every application filed under subsection (a), subsection (b) or (d) of section 319, section 329(a), or section 329A that is not processed and adjudicated within 1 year after it was filed due to delays in conducting required background checks.”.

(b) GAO REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of a study regarding the average length of time taken by United States Citizenship and Immigration Services to process and adjudicate applications for naturalization filed by members of the Armed Forces, deceased members of the Armed Forces, and their spouses and children.

SEC. 4. SUNSET PROVISION.

This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

6 USC 271 and
note; 8 USC 1101
note, 1439.

Approved October 9, 2008.

LEGISLATIVE HISTORY—S. 2840:

SENATE REPORTS: No. 110-440 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 154 (2008):
Sept. 24, considered and passed Senate.
Sept. 27, 28, considered and passed House.

