

“§ 873. Art. 73. Petition for a new trial

“At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused’s case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out “law officer” and inserting in lieu thereof “military judge”.

70A Stat. 77.

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

Ante, p. 1336.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

Court of Military Review.

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

Effective dates.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

Approved October 24, 1968.

Public Law 90-633

AN ACT

October 24, 1968
[H. R. 15147]

To amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in active-duty service in the Armed Forces of the United States during the Vietnam hostilities, or in other periods of military hostilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after “July 1, 1955,” the following: “or during a period beginning February 28, 1961, and ending on a date designated by the President by Executive order as of the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.”

Armed Forces personnel in combat areas, naturalization.
66 Stat. 250;
75 Stat. 654.

SEC. 2. Section 329(b)(4) of the Immigration and Nationality Act is hereby amended by inserting after “July 1, 1955,” the following: “or during a period beginning February 28, 1961, and ending on a date designated by the President by Executive order as the date of

termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.”

Naturalization
fees, exemption.

SEC. 3. Notwithstanding any other provision of law, no clerk of a United States court shall charge or collect a naturalization fee from an alien who has served in the military, air, or naval forces of the United States during a period beginning February 28, 1961, and ending on the date designated by the President by Executive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who is applying for naturalization during such periods under section 329 of the Immigration and Nationality Act, as amended by this Act, for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this section shall be made to the Attorney General as in the case of other reports required of clerks of courts by title III of the Immigration and Nationality Act.

Report.

8 USC 1401-
1503.

SEC. 4. The third sentence of section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is hereby amended by striking out the language “sections 327 and 328” and substituting in lieu thereof the language “sections 328 and 329”.

SEC. 5. Section 328(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1439) is hereby amended by inserting after the word “notwithstanding” the language “section 318 insofar as it relates to deportability and”.

SEC. 6. Section 329(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended to read as follows:

“(1) he may be naturalized regardless of age, and notwithstanding the provisions of section 318 as they relate to deportability and the provisions of section 331;”.

66 Stat. 250-
8 USC 1440.

SEC. 7. The section heading of section 329 of the Immigration and Nationality Act is amended to read as follows:

“NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR I, WORLD WAR II, THE KOREAN HOSTILITIES, THE VIETNAM HOSTILITIES, OR IN OTHER PERIODS OF MILITARY HOSTILITIES”.

SEC. 8. That portion of the table of contents contained in the first section of the Immigration and Nationality Act which appears under the heading “TITLE III—NATIONALITY AND NATURALIZATION” is amended by changing the designation of section 329 to read as follows:

“Sec. 329. Naturalization through active-duty service in the Armed Forces during World War I, World War II, the Korean hostilities, the Vietnam hostilities, or in other periods of military hostilities.”

Approved October 24, 1968.