

114TH CONGRESS
1ST SESSION

S. 247

To amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2015

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

A BILL

To amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, 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 “Expatriate Terrorist
5 Act”.

1 **SEC. 2. LOSS OF NATIONALITY DUE TO SUPPORT OF TER-**
2 **RORISM.**

3 Section 349(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1481(a)) is amended to read as follows:

5 “(a) IN GENERAL.—A person who is a national of
6 the United States whether by birth or naturalization, shall
7 lose his or her nationality by voluntarily performing any
8 of the following acts with the intention of relinquishing
9 United States nationality:

10 “(1) Obtaining naturalization in a foreign state
11 upon his or her own application or upon an applica-
12 tion filed by a duly authorized agent, after having
13 attained 18 years of age.

14 “(2) Taking an oath or making an affirmation
15 or other formal declaration of allegiance to a foreign
16 state, a political subdivision thereof, or a foreign ter-
17 rorist organization designated under section 219,
18 after having attained 18 years of age.

19 “(3) Entering, or serving in, the armed forces
20 of a foreign state or a foreign terrorist organization
21 designated under section 219 if—

22 “(A) such armed forces are engaged in
23 hostilities against the United States; or

24 “(B) such persons serve as a commissioned
25 or noncommissioned officer.

1 “(4) Becoming a member of, or providing train-
2 ing or material assistance to, any foreign terrorist
3 organization designated under section 219.

4 “(5) Accepting, serving in, or performing the
5 duties of any office, post, or employment under the
6 government of a foreign state, a political subdivision
7 thereof, or a foreign terrorist organization des-
8 ignated under section 219 if—

9 “(A) the person knowingly has or acquires
10 the nationality of such foreign state; or

11 “(B) an oath, affirmation, or declaration
12 of allegiance to the foreign state, political sub-
13 division, or designated foreign terrorist organi-
14 zation is required for such office, post, or em-
15 ployment.

16 “(6) Making a formal renunciation of United
17 States nationality before a diplomatic or consular of-
18 ficer of the United States in a foreign state, in such
19 form as may be prescribed by the Secretary of State.

20 “(7) Making in the United States a formal
21 written renunciation of nationality in such form as
22 may be prescribed by, and before such officer as
23 may be designated by, the Attorney General, when-
24 ever the United States shall be in a state of war and
25 the Attorney General shall approve such renunci-

1 ation as not contrary to the interests of national de-
2 fense.

3 “(8)(A) Committing any act of treason against,
4 or attempting by force to overthrow, or bearing arms
5 against, the United States;

6 “(B) violating or conspiring to violate any of
7 the provisions of section 2383 of title 18, United
8 States Code;

9 “(C) willfully performing any act in violation of
10 section 2385 of title 18, United States Code; or

11 “(D) violating section 2384 of such title by en-
12 gaging in a conspiracy to overthrow, put down, or to
13 destroy by force the Government of the United
14 States, or to levy war against them,
15 if and when such person is convicted thereof by a
16 court martial or by a court of competent jurisdic-
17 tion.”.

18 **SEC. 3. REVOCATION OR DENIAL OF PASSPORTS AND PASS-**
19 **PORT CARDS TO INDIVIDUALS WHO ARE**
20 **MEMBERS OF FOREIGN TERRORIST ORGANI-**
21 **ZATIONS.**

22 The Act entitled “An Act to regulate the issue and
23 validity of passports, and for other purposes”, approved
24 July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly

1 known as the “Passport Act of 1926”, is amended by add-
2 ing at the end the following:

3 **“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND**
4 **PASSPORT CARD.**

5 “(a) INELIGIBILITY.—

6 “(1) ISSUANCE.—The Secretary of State shall
7 not issue a passport or passport card to any indi-
8 vidual whom the Secretary has determined is a
9 member, or is attempting to become a member, of
10 an organization the Secretary has designated as a
11 foreign terrorist organization pursuant to section
12 219 of the Immigration and Nationality Act (8
13 U.S.C. 1189).

14 “(2) REVOCATION.—The Secretary of State
15 shall revoke a passport or passport card previously
16 issued to any individual described in paragraph (1).

17 “(b) RIGHT OF REVIEW.—Any person who, in ac-
18 cordance with this section, is denied issuance of a passport
19 or passport card by the Secretary of State, or whose pass-
20 port or passport card is revoked or otherwise restricted
21 by the Secretary of State, may request a due process hear-
22 ing not later than 60 days after receiving such notice of
23 the nonissuance, revocation, or restriction.”.

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