

115TH CONGRESS  
1ST SESSION

# S. 361

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2017

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

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## A BILL

To amend section 349 of the Immigration and Nationality Act to deem specific 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 by naturalization,  
7 shall lose his or her nationality by voluntarily performing  
8 any of the following acts with the intention of relin-  
9 quishing 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 an organiza-  
17 tion designated as a foreign terrorist organization  
18 under section 219, after having attained 18 years of  
19 age.

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

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

1           “(B) such person serves as a commissioned  
2           or noncommissioned officer.

3           “(4) Accepting, serving in, or performing the  
4           duties of any office, post, or employment under the  
5           government of a foreign state, a political subdivision  
6           thereof, or an organization designated as a foreign  
7           terrorist organization under section 219 if, after  
8           having attained 18 years of age—

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, a political  
13          subdivision thereof, or a designated foreign ter-  
14          rorist organization is required for such office,  
15          post, or employment.

16          “(5) 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          “(6) 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, while  
24          the United States is in a state of war and the Attor-

1       ney General approves such renunciation as not con-  
2       trary to the interests of national defense.

3               “(7)(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 pro-  
7       vision of section 2383 of title 18, United States  
8       Code;

9               “(C) willfully performing any act in violation of  
10      section 2385 of such title; 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 the United States,  
15      if such person is convicted of such crime by a court  
16      martial or by a court of competent jurisdiction.

17              “(8) Knowingly providing material support or  
18      resources (as described in section 2339A(b) of title  
19      18, United States Code) to any organization des-  
20      ignated as a foreign terrorist organization under sec-  
21      tion 219 if such person knows that such organiza-  
22      tion is engaged in hostilities against the United  
23      States.”.

1 **SEC. 3. REVOCATION OR DENIAL OF PASSPORTS AND PASS-**  
2 **PORT CARDS TO INDIVIDUALS WHO ARE**  
3 **MEMBERS OF FOREIGN TERRORIST ORGANI-**  
4 **ZATIONS.**

5 The Act entitled “An Act to regulate the issue and  
6 validity of passports, and for other purposes”, approved  
7 July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly  
8 known as the “Passport Act of 1926”, is amended by add-  
9 ing at the end the following:

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

12 “(a) INELIGIBILITY.—

13 “(1) ISSUANCE.—The Secretary of State may  
14 not issue a passport or passport card to any indi-  
15 vidual whom the Secretary has determined, by a pre-  
16 ponderance of the evidence—

17 “(A) is serving in, or is attempting to  
18 serve in, an organization designated by the Sec-  
19 retary as a foreign terrorist organization pursu-  
20 ant to section 219 of the Immigration and Na-  
21 tionality Act (8 U.S.C. 1189); and

22 “(B) is a threat to the national security in-  
23 terest of the United States.

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

1       “(b) RIGHT OF REVIEW.—Any person who, in ac-  
2 cordance with this section, is denied issuance of a passport  
3 or passport card by the Secretary of State, or whose pass-  
4 port or passport card is revoked or otherwise restricted  
5 by the Secretary of State, may request a due process hear-  
6 ing, under regulations prescribed by the Secretary, not  
7 later than 60 days after receiving such notice of such  
8 nonissuance, revocation, or restriction.

9       “(c) NATIONAL SECURITY WAIVER.—Notwith-  
10 standing subsection (a), the Secretary may—

11               “(1) issue a passport or passport card to an in-  
12 dividual described in subsection (a)(1); or

13               “(2) refuse to revoke a passport or passport  
14 card of an individual described in subsection (a)(1),  
15 if the Secretary finds that such issuance or refusal to re-  
16 voke is in the national security interest of the United  
17 States.”.

18 **SEC. 4. CONFORMING AMENDMENT.**

19       Section 351(b) of the Immigration and Nationality  
20 Act (8 U.S.C. 1483(b)) is amended by striking “(3) and  
21 (5)” and inserting “(3), (5), and (8)”.

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