

(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To expand and clarify the grounds for civil denaturalization proceedings for individuals who have defrauded a governmental program, joined a terrorist organization, or committed certain criminal offenses.

IN THE HOUSE OF REPRESENTATIVES

Mr. EMMER introduced the following bill; which was referred to the Committee on _____

A BILL

To expand and clarify the grounds for civil denaturalization proceedings for individuals who have defrauded a governmental program, joined a terrorist organization, or committed certain criminal offenses.

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

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Stop Citizenship Abuse
5 and Misrepresentation Act” or the “SCAM Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

14 (3) Naturalization is a long-standing, time-hon-
15 ored, and essential American tradition.

16 (4) An applicant wishing to become a citizen of
17 the United States must demonstrate, at the time of
18 naturalization, that he or she is—

19 (A) a person of good moral character;

20 (B) attached to the principles of the Con-
21 stitution of the United States; and

(C) well disposed to the good order and
happiness of the United States.

24 (5) Any person who has been convicted of fraud
25 against a governmental program demonstrates moral

1 turpitude and any person who has been convicted of
2 fraud against a governmental program after being
3 extended the privilege of United States citizenship
4 demonstrates, both at the time of such conviction
5 and at the time of his or her naturalization, that he
6 or she is not and was not—

7 (A) a person of good moral character;
8 (B) attached to the principles of the Con-
9 stitution of the United States; and
10 (C) well disposed to the good order and
11 happiness of the United States.

12 (6) Any person who affiliates with a foreign ter-
13 rrorist organization, such as a drug cartel, or engages
14 in espionage puts our Nation's security at great risk
15 of degradation and any person who affiliates with a
16 foreign terrorist organization or engages in espio-
17 nage after being extended the privilege of United
18 States citizenship demonstrates, both at the time of
19 such affiliation or espionage and at the time of his
20 or her naturalization, that he or she is not and was
21 not—

22 (A) a person of good moral character;
23 (B) attached to the principles of the Con-
24 stitution of the United States; and

3 (7) Any alien who has been convicted of an ag-
4 gravated felony is deportable and designated as per-
5 manently ineligible for naturalization and any person
6 who has been convicted of an aggravated felony after
7 being extended the privilege of United States citizen-
8 ship demonstrates, both at the time of such convic-
9 tion and at the time of his or her naturalization,
10 that he or she is not and was not—

11 (A) a person of good moral character;
12 (B) attached to the principles of the Con-
13 stitution of the United States; and
14 (C) well disposed to the good order and
15 happiness of the United States.

16 (8) As the Supreme Court has noted: "An alien
17 has no moral nor constitutional right to retain the
18 privileges of citizenship if, by false evidence or the
19 like, an imposition has been practiced upon the
20 court, without which the certificate could not and
21 would not have been issued." (Johannessen v.
22 United States, 225 U.S. 227, 241 (1912)).

23 (9) The Supreme Court has also explained: "No
24 alien has the slightest right to naturalization unless
25 all statutory requirements are complied with; and

1 every certificate of citizenship must be treated as
2 granted upon condition that the government may
3 challenge it . . . and demand its cancelation unless
4 issued in accordance with such requirements. If pro-
5 cured when prescribed qualifications have no exist-
6 ence in fact, it is illegally procured" (United
7 States v. Ginsberg, 243 U.S. 472, 475 (1917)).

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Supreme Court, in Costello v. INS, 376
10 U.S. 120 (1964), misconstrued the effects of
11 denaturalization under section 340 of the Immigration
12 and Nationality Act (8 U.S.C. 1451) for the reasons stat-
13 ed in the concurring opinion in Castillo v. Bondi, 140
14 F.4th 777 (6th Cir. 2025) (Thapar, J., concurring).

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to expand and clarify the
17 grounds for the United States to pursue civil
18 denaturalization proceedings against individuals who have
19 proven, by defrauding a governmental program, affiliating
20 with a foreign terrorist organization, or committing cer-
21 tain criminal offenses, that, at the time they were natural-
22 ized, they lacked the good moral character, attachment to
23 the Constitution of the United States, and disposition to
24 the good order and happiness of the United States that

1 our Nation demands of those who desire to become natu-
2 ralized citizens.

3 **SEC. 4. EXPANDING AND CLARIFYING DENATURALIZATION**

4 **FOR INDIVIDUALS WHO LACK GOOD MORAL**
5 **CHARACTER AND AN ATTACHMENT TO THE**
6 **CONSTITUTION OF THE UNITED STATES AND**
7 **ARE NOT WELL DISPOSED TO THE GOOD**
8 **ORDER AND HAPPINESS OF THE UNITED**
9 **STATES.**

10 Section 340 of the Immigration and Nationality Act
11 (8 U.S.C. 1451) is amended—

12 (1) in subsection (a), by inserting “the Attorney
13 General or” after “It shall be the duty of”;

14 (2) by redesignating subsections (d), (e), (f),
15 (g), and (h) as subsections (i), (j), (k), (l), and (m),
16 respectively; and

17 (3) by inserting after subsection (c) the fol-
18 lowing:

19 “(d) **MEMBERSHIP IN FOREIGN TERRORIST ORGANI-**
20 **ZATION.**—If a person, during the 10-year period beginning
21 on the date on which he or she was naturalized under this
22 chapter, associates with, conspires with, aids, or abets any
23 foreign terrorist organization (as designated under section
24 219(a)), such action shall be considered *prima facie* and
25 sufficient evidence that—

1 “(1) such person, at the time of his or her nat-
2 uralization—

3 “(A) was not a person of good moral char-
4 acter;

5 “(B) was not attached to the principles of
6 the Constitution of the United States; and

7 “(C) was not well disposed to the good
8 order and happiness of the United States;

9 “(2) the order admitting such person to citizen-
10 ship—

11 “(A) was obtained by concealment of a ma-
12 terial fact or by willful misrepresentation; and

13 “(B) shall be revoked and set aside, along
14 with the cancellation of his or her certificate of
15 naturalization; and

16 “(3) such revocation and setting aside of such
17 admission order and such cancellation of such cer-
18 tificate of naturalization shall be effective as of the
19 original date of such order and certificate, respec-
20 tively.

21 “(e) DEFRAUDING FEDERAL, STATE, LOCAL, OR
22 TRIBAL GOVERNMENTS.—If a person who has been natu-
23 ralized under this chapter is convicted of, admits to having
24 committed, or admits to committing acts constituting the
25 essential elements of, an offense involving fraud, an at-

1 tempt to defraud, or conspiracy to defraud the Federal
2 Government, a State government, a local government, or
3 a tribal government (such as defrauding the United States
4 Government of a Federal public benefit (as defined in sec-
5 tion 401 of the Personal Responsibility and Work Oppor-
6 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(e)) or
7 defrauding a State or local government of a State or local
8 public benefit (as defined in section 411(c) of such Act
9 (8 U.S.C. 1621(c))), of at least \$10,000, and any act or
10 acts leading to such conviction or admission began or oc-
11 curred during the 10-year period beginning on the date
12 of his or her naturalization, such conviction or admission
13 shall be considered prima facie and sufficient evidence
14 that—

15 “(1) such person, at the time of his or her nat-
16 uralization—

17 “(A) was not a person of good moral char-
18 acter;

19 “(B) was not attached to the principles of
20 the Constitution of the United States; and

21 “(C) was not well disposed to the good
22 order and happiness of the United States;

23 “(2) the order admitting such person to citizen-
24 ship—

1 “(A) was obtained by concealment of a ma-
2 terial fact or by willful misrepresentation; and

3 “(B) shall be revoked and set aside, along
4 with the cancellation of his or her certificate of
5 naturalization; and

6 “(3) such revocation and setting aside of such
7 admission order and such cancellation of such cer-
8 tificate of naturalization shall be effective as of the
9 original date of such order and certificate, respec-
10 tively.

11 “(f) COMMITTING AN AGGRAVATED FELONY OR ES-
12 PIONAGE OFFENSE.—If a person who has been natural-
13 ized under this chapter is convicted of, admits to having
14 committed, or admits to committing acts constituting the
15 essential elements of, an aggravated felony or espionage
16 offense (including any offense described in section 792,
17 793, 794, 795, 796, 797, 798, 951, 1030(a)(1), 1831,
18 1832, 2152, 2153, 2154, 2155, or 2156 of title 18, United
19 States Code; or an offense described in section 783 or
20 3121 of title 50, United States Code), and any act or acts
21 leading to such conviction or admission began or occurred
22 during the 10-year period beginning on the date on which
23 he or she was naturalized, such conviction or admission
24 shall be considered *prima facie* and sufficient evidence
25 that—

1 “(1) such person, at the time of his or her nat-
2 uralization—

3 “(A) was not a person of good moral char-
4 acter;

5 “(B) was not attached to the principles of
6 the Constitution of the United States; and

7 “(C) was not well disposed to the good
8 order and happiness of the United States;

9 “(2) the order admitting such person to citizen-
10 ship—

11 “(A) was obtained by concealment of a ma-
12 terial fact or by willful misrepresentation; and

13 “(B) shall be revoked and set aside, along
14 with the cancellation of his or her certificate of
15 naturalization; and

16 “(3) such revocation and setting aside of such
17 admission order and such cancellation of such cer-
18 tificate of naturalization shall be effective as of the
19 original date of such order and certificate, respec-
20 tively.

21 “(g) FALBACK PROVISION.—If the 10-year period
22 set forth in subsection (d), (e), or (f) is held to be uncon-
23 stitutional or constitutionally insufficient by final judicial
24 decision, for purposes of interpreting this Act—

1 “(1) such 10-year period shall be deemed to be
2 a 5-year period, consistent with the published judi-
3 cial opinion in *Luria v. United States*, 231 U.S. 27
4 (1913); and

5 “(2) every court of the United States shall con-
6 strue such period to be 5 years.

7 “(h) EFFECTS OF DENATURALIZATION.—

8 “(1) EFFECTIVE DATE.—The revocation and
9 setting aside of a person’s admission order and can-
10 cellation of the person’s certificate of naturalization
11 under this section shall be effective as of the original
12 date of such order and certificate, respectively. Such
13 denaturalization shall have retroactive effect, and
14 the certificate of naturalization shall be treated as
15 void from the date on which it was issued.

16 “(2) REMOVABILITY.—Any person whose cer-
17 tificate of naturalization is cancelled under this sec-
18 tion shall be removable pursuant to expedited pro-
19 ceedings described in section 238, regardless of—

20 “(A) the person’s immigration status after
21 denaturalization; and

22 “(B) the time that has elapsed since the
23 date on which such person was naturalized.”.

1 SEC. 5. SEVERABILITY.

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such a provision or amend-
4 ment to any particular person or circumstance is held to
5 be unconstitutional, the remaining provisions of this Act
6 and amendments made by this Act, and the application
7 of such provisions and amendments to any other person
8 or circumstance, shall not be affected.