

(Original Signature of Member)

119TH CONGRESS  
2D SESSION

H. R. 

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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.

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## IN THE HOUSE OF REPRESENTATIVES

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

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## 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               rorist 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

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

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.

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.