

FTO PASSPORT REVOCATION ACT OF 2015

MARKUP

BEFORE THE
SUBCOMMITTEE ON TERRORISM,
NONPROLIFERATION, AND TRADE
OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

ON

H.R. 237

MARCH 25, 2015

Serial No. 114-10

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/> or
<http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PUBLISHING OFFICE

93-915PDF

WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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FTO PASSPORT REVOCATION ACT OF 2015

WEDNESDAY, MARCH 25, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.H.R. 237

The subcommittee met, pursuant to notice, at 1:30 p.m., in room 2255 Rayburn House Office Building, Hon. Ted Poe (chairman of the subcommittee) presiding.

Mr. POE. The subcommittee will come to order.

We meet today, pursuant to notice, to mark up the bill H.R. 237, the FTO Passport Revocation Act of 2015.

As your offices were notified yesterday, it is the intent of the Chair to consider en bloc the following items which were previously provided to all members and are in your folders: H.R. 237, as introduced, and the Poe Amendment Number 25, a bipartisan amendment in the nature of a substitute to H.R. 237.

[The information referred to follows:]

114TH CONGRESS
1ST SESSION

H. R. 237

To authorize the revocation or denial of passports and passport cards to individuals affiliated with foreign terrorist organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2015

Mr. POE of Texas introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize the revocation or denial of passports and passport cards to individuals affiliated with foreign terrorist organizations, 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 “FTO Passport Revoca-
5 tion Act of 2015”.

1 **SEC. 2. REVOCATION OR DENIAL OF PASSPORTS AND PASS-**
2 **PORT CARDS TO INDIVIDUALS AFFILIATED**
3 **WITH FOREIGN TERRORIST ORGANIZATIONS.**

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

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

11 “(a) INELIGIBILITY.—

12 “(1) ISSUANCE.—Except as provided under
13 subsection (b), the Secretary of State may not issue
14 a passport or passport card to any individual whom
15 the Secretary has determined is a member of or is
16 otherwise affiliated with, or is aiding, assisting, abet-
17 ting, or is otherwise helping an organization the Sec-
18 retary has designated as a foreign terrorist organiza-
19 tion pursuant to section 219 of the Immigration and
20 Nationality Act (8 U.S.C. 1189).

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

24 “(b) EXCEPTIONS.—

25 “(1) EMERGENCY AND HUMANITARIAN SITUA-
26 TIONS.—Notwithstanding subsection (a), the Sec-

1 retary of State may issue a passport or passport
2 card, in emergency circumstances or for humani-
3 tarian reasons, to an individual described in para-
4 graph (1) of such subsection.

5 “(2) LIMITATION FOR RETURN TO UNITED
6 STATES.—Notwithstanding subsection (a)(2), the
7 Secretary of State, before revocation, may—

8 “(A) limit a previously issued passport or
9 passport card only for return travel to the
10 United States; or

11 “(B) issue a limited passport or passport
12 card that only permits return travel to the
13 United States.

14 “(c) REPORT.—If the Secretary of State issues or
15 limits a passport or passport card under subsection (b),
16 the Secretary shall, not later than 30 days after such
17 issuance or limitation, submit to Congress a report on
18 such issuance or limitation, as the case may be.”.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 237
OFFERED BY MR. POE OF TEXAS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “FTO Passport Revoca-
3 tion Act of 2015”.

4 **SEC. 2. REVOCATION OR DENIAL OF PASSPORTS TO INDI-
5 VIDUALS AFFILIATED WITH FOREIGN TER-
6 RORIST ORGANIZATIONS.**

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

12 **“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.**

13 “(a) INELIGIBILITY.—

14 “(1) ISSUANCE.—Except as provided under
15 subsection (b), the Secretary of State may refuse to
16 issue a passport to any individual whom the Sec-
17 retary has determined is a member of or is otherwise
18 affiliated with, or is aiding, assisting, abetting, or is

1 otherwise helping an organization the Secretary has
2 designated as a foreign terrorist organization pursu-
3 ant to section 219 of the Immigration and Nation-
4 ality Act (8 U.S.C. 1189).

5 “(2) REVOCATION.—The Secretary of State
6 may revoke a passport previously issued to any indi-
7 vidual described in paragraph (1).

8 “(b) REPORT.—

9 “(1) IN GENERAL.—If the Secretary of State
10 refuses to issue or revokes a passport pursuant to
11 subsection (a), the Secretary shall, not later than 30
12 days after such refusal or revocation, submit to the
13 Committee on Foreign Affairs of the House of Rep-
14 resentatives and the Committee on Foreign Rela-
15 tions of the Senate a report on such refusal or rev-
16 ocation, as the case may be.

17 “(2) FORM.—The report submitted under para-
18 graph (1) may be submitted in classified or unclassi-
19 fied form.”



Mr. POE. Without objection, these items are considered as read and will be considered en bloc.

I will next recognize members to speak on these items if they wish. I will speak, and then the ranking member will speak after, and then those that wish to be heard on this particular bill.

The recent terrorist group known as the Islamic State of Iraq and Syria (ISIS) has taken over large parts of Iraq and Syria, but it is not just in Iraq and Syria that Islamic extremists have waged war. Recent deadly terrorist attacks in France, Australia, Canada, Denmark, have reminded us that the threat of attacks is in the West. These killers are ready to do what they wish and eager to take their rampage worldwide.

Many of those killers, unfortunately, include some of our own citizens. In 2015, the Director of National Intelligence, James Clapper, said that 180 Americans had tried to go and fight in Syria, either for ISIL or al-Nusra or some other Islamic extremist group. There may be more; we do not know.

Each of you have in front of you a handout that describes 16 incidents that are known to the public. American citizens fighting for ISIL in Syria and Iraq are a very real and dangerous threat to the United States. These individuals are receiving training that makes them capable of sophisticated terrorist attacks, and they put themselves under the command and control of leaders who want to attack eventually the United States. This isn't a hypothetical threat.

Before Moner Mohammad Abusalha became the first American to carry a suicide bomb attack in Syria, unbeknown to authorities, he returned home to Florida as a fully trained terrorist. He was also a card carrying member of the al-Qaeda-aligned al-Nusra front. Fortunately, he did not carry out an attack in the United States, but he could have.

These traitors who have turned against America and joined the ranks of foreign radical terrorist armies should not be allowed to come back into the United States unless they come back in handcuffs.

For these reasons, H.R. 237, the Foreign Terrorist Organization Passport Revocation Act, is a critical bill at a critical time. This bill grants the Secretary of State the authority to revoke or deny U.S. passports for individuals who are members or otherwise help designated foreign terrorist organizations execute their reign of terror. We must stop these individuals from coming back to the United States to do harm to Americans.

I will now turn to the ranking member, Mr. Keating from Massachusetts, for his opening statement.

Mr. KEATING. Well, thank you, Mr. Chairman. I would just like to thank you for your cooperation, working together on the amendment, and the opportunity to clarify the authority that the Secretary of State will have in this regard, and hopefully this is one more safety net for the emerging threats that we have and face daily. So thank you, again, Mr. Chairman.

Mr. POE. I now turn to Mr. Wilson from South Carolina, if he wishes to make an opening statement. And the microphones do not work.

Mr. WILSON. Good. I am glad that you explained that. Mr. Chairman, I want to thank you for having this timely and important

markup today. As a member of this subcommittee, and as the chairman of the House Armed Services Subcommittee on Emerging Threats and Capabilities, and the father of four sons currently serving in the United States military, I know the threat of domestic terrorism firsthand.

With the rise in terrorism recruitment through vast international communications opportunities and social media, this is an issue that must be addressed now, not tomorrow or the next day. This legislation makes—takes measures to ensure that individuals who are involved in or supporting terrorism in any capacity are not issued U.S. passports and have theirs revoked if they are in possession of a passport currently.

Traveling under a U.S. passport is a privilege. When an individual engages in terrorist activity that directly threatens American families or her allies abroad, they forfeit that privilege. I support this legislation because I know it takes an important first step in stopping the spread of homegrown terrorism, which we have unfortunately seen steadily rise in recent months.

I applaud Chairman Poe and his work on this legislation, and I look forward to continuing to work with this committee to fight the spread of terrorism both around the globe and here at home.

I yield back.

Mr. POE. Thank the gentleman from South Carolina. How many sons do you have that served in the Middle East?

Mr. WILSON. My two older sons served in Iraq, my third son served in Egypt, and my fourth son just returned from serving in Afghanistan.

Mr. POE. Tell them thank you for their service.

Mr. WILSON. Well, hey, their mother did well.

Mr. POE. Any other members wish to be recognized for a statement? Mr. Cook of California.

Mr. COOK. Yes, sir. Thank you, Mr. Chairman, for this hearing. I am not going to talk very long, but I think what you are doing today is something that I actually think we are a couple of steps behind the terrorists, particularly ISIS, and some of the other groups in terms of social media, and what have you.

You have to give credit to this new, ruthless organization. It is a new form of warfare. And, unfortunately, it is working. It has worked in Boston. It has worked in New York. It has worked in other areas. And unless we combat this with some of the things that are listed here, we are never going to catch up.

When we are losing our young people that are being influenced to the point where they are going to go over there and fight, actually die for a cause which means just—hard to believe in terms of their values and morals.

So I thank you for this hearing. Thank you.

Mr. POE. Thank the gentleman.

Any other members wish to be heard on a statement? Does the gentleman from California wish to be heard on the—making a statement on this legislation?

Mr. SHERMAN. No.

Mr. POE. All right. Thank you. Hearing no further requests for recognition, the question occurs on adopting the items under consideration en bloc. All those in favor say aye.

[Chorus of ayes.]

Mr. POE. Those opposed, no.

[No response.]

Mr. POE. In the opinion of the Chair, the ayes have it. The en bloc items are approved.

Without objection, H.R. 237 will be reported favorably to the full committee in the form of a single amendment in the nature of a substitute incorporating the adopted amendments, and the staff is directed to make technical and conforming changes.

I want to thank all of our members. I want to thank especially the minority for their cooperation, and the staff for all members and their assistance and cooperation that went into today's mark-up.

The subcommittee stands adjourned.

[Whereupon, at 1:46 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on the Terrorism, Nonproliferation, and Trade
Chairman Ted Poe (R-TX), Chairman**

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Terrorism, Nonproliferation, and Trade, to be held in Room 2255 of the Rayburn House Office Building (and available live on the Committee website at <http://www.foreignaffairs.house.gov>):

DATE: Wednesday, March 25, 2015

TIME: 1:30 p.m.

MARKUP OF: H.R. 237, To authorize the revocation or denial of passports and passport cards to individuals affiliated with foreign terrorist organizations, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Terrorism, Nonproliferation, and Trade MARKUP

Day Wednesday Date March 25, 2015 Room 2255

Starting Time 1:30 Ending Time 1:46

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Poe

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

H.R. 237, FTO Passport Revocation Act of 2015

COMMITTEE MEMBERS PRESENT:

Reps. Poe, Wilson, Cook, Ribble, Zeldin, Keating, and Sherman

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

See Markup Summary.

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

Subject Yeas Nays Present Not Voting

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 1:46

[Signature]
Subcommittee Staff Director

3/25/15 Terrorism, Nonproliferation, and Trade Subcommittee Markup Summary

The Chair obtained unanimous consent to consider one measure and one amendment (previously provided to Members of the Committee) *en bloc*:

- 1) H. R. 237 (Poe), “To authorize the revocation or denial of passports and passport cards to individuals affiliated with foreign terrorist organizations, and for other purposes.”

- a. Poe 25, an amendment in the nature of a substitute.

The items considered *en bloc* were agreed to by voice vote.

H.R. 237, as amended, was ordered favorably reported to the Full Committee as a single amendment in the nature of a substitute by unanimous consent.

The Committee adjourned.