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Chairman McKeon and Ranking Member Smith:

As the Committee begins to draft the Fiscal Year 2014 Defense Authorization bill, I request the issue pertaining to the treatment of American citizens carrying out or suspected of acts of terror be an active part of the Committee's dialogue this year, particularly in the wake of the Boston attacks on 15 April 2013. I submitted testimony to the Committee on this matter last year, and I am committed to remaining engaged in a productive policy discussion again.

In recent years, Members have participated in an animated debate over the lawful arrest and detention of terror suspects (Sections 1021 and 1022, P.L. 112-81), with the explicit exclusion of United States citizens and individuals arrested on U.S. soil. With each year that passes in this post-9/11 era, it becomes more evident that the war against terrorism demands our nation's attention and commitment if we are to remain successful in securing our homeland and preserving the American way of life. Individuals or lone wolf actors, as well as extremist organizations, prove to be bent on altering, at the very least, the rhythm and freedoms of our daily lives in the United States. Our federal laws must evolve to reflect the national security challenges of the 21<sup>st</sup> century.

Similar to my position articulated to you in the testimony I submitted during the FY 2013 NDAA discussion, I believe the policy conversation we have here in Congress must advance beyond "the lawful arrest and detention of terror suspects." Specifically, I believe it is critical for the Committee to consider ways to modernize current law to ensure the State Department has the latitude to review the actions of an American citizen or naturalized citizens should he or she engage in or purposefully and materially support hostilities against the United States.

In October 2011, I introduced the bipartisan, bicameral Enemy Expatriation Act. I also introduced legislation with the same intent in the 111<sup>th</sup> Congress. As you know, current federal statute, 8 U.S.C 1481, identifies seven categories of acts for which U.S. or naturalized citizens can lose their citizenship if it is determined they performed one of those acts "with the intention of relinquishing United States nationality." Examples of acts listed in the statute that would trigger this review are: taking an oath to a foreign state, serving in the armed forces of a foreign state, or committing acts of treason. Legislation like the Enemy Expatriation Act would only update the current statute first adopted in 1944 to clarify that any person who engages in hostilities against the United States whether or not they are formally serving in the armed forces of a foreign state may be reviewed for loss of nationality. The State Department would still need to investigate the individual's actions and determine if he or she intended to renounce his or her

citizenship. The individual could appeal determination in federal court if necessary. The original statute was adopted when our Armed Services were engaged with the forces of Imperial Japan and Nazi Germany. Federal law should reflect the global, asymmetric conflict the United States faces today.

For several years leading up to his death, the late Anwar al-Awlaki, an American citizen, incited the violent overthrow of the United States and worked within terrorist networks to coordinate attacks against the American people. His revolting actions served as the impetus for my pursuit of this revision of the law.

Now today, the Boston attacks are fresh in the minds of the American people and will forever impact the families of those who lost loved ones and the hundreds of victims dealing with life altering injuries. The deadly explosions unleashed at the Boston Marathon on runners, their families and spectators should be a stark reminder to lawmakers, as well as the general American public, that radicalized individuals – whether they are Americans acting as lone wolves or connected with an extremist group – are committed to bringing pain and suffering to innocent bystanders, families and communities.

The war on terror will continue despite the deaths of Anwar al-Awlaki and Osama Bin Laden. With that, we must remain dedicated to combating extremism – willing to ask the difficult questions and analyzing how our federal laws rightfully protect our country and the American people against the threats we face today.

Thank you, once again, for carefully considering engaging in this policy discussion within the framework of the FY 2014 Defense Authorization bill.



Charles W. Dent  
Member of Congress