

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit known or suspected dangerous terrorists from receiving certain Federal assistance and benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1318

To amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . DENIAL OF ASSISTANCE AND BENEFITS.**

3 (a) PROHIBITION.—Notwithstanding any other provi-
4 sion of law, a known or suspected terrorist may not receive
5 any assistance or benefits under—

6 (1) any State program funded under part A of
7 title IV of the Social Security Act (42 U.S.C. 601
8 et seq.);

9 (2) the Medicaid program under title XIX of
10 the Social Security Act (42 U.S.C. 1396 et seq.);

1 (3) the Medicare program under title XVIII of
2 the Social Security Act (42 U.S.C. 1395 et seq.) ;

3 (4) the supplemental nutrition assistance pro-
4 gram (as defined in section 3 of the Food and Nutri-
5 tion Act of 2008 (7 U.S.C. 2012)) or any State pro-
6 gram carried out under that Act;

7 (5) title II of the Social Security Act (42
8 U.S.C. 401 et seq.);

9 (6) title XVI of the Social Security Act (42
10 U.S.C. 1381 et seq.); or

11 (7) any law administered by the Secretary of
12 Veterans Affairs.

13 (b) DEFINITIONS.—In this section—

14 (1) the term “known or suspected terrorist”
15 means a person determined by the Attorney General
16 to be known (or appropriately suspected) to be or
17 have been engaged in conduct constituting, in prepa-
18 ration for, in aid of, or related to terrorism, or pro-
19 viding material support or resources for terrorism;

20 (2) the term “material support or resources”
21 has the meaning given the term in section 2339A of
22 title 18, United States Code; and

23 (3) the term “terrorism” includes international
24 terrorism and domestic terrorism, as defined in sec-
25 tion 2331 of title 18, United States Code.

1 (c) PROTECTING THE SECOND AMENDMENT RIGHTS
2 OF VETERANS.—

3 (1) IN GENERAL.—Chapter 55 of title 38,
4 United States Code, is amended by adding at the
5 end the following:

6 **“§ 5511. Conditions for treatment of certain persons**
7 **as adjudicated mentally incompetent for**
8 **certain purposes**

9 “(a) PROTECTING RIGHTS OF VETERANS WITH EX-
10 ISTING RECORDS.—Not later than 90 days after the date
11 of enactment of the Expatriate Terrorist Act, the Sec-
12 retary shall provide written notice in accordance with sub-
13 section (b) of the opportunity for administrative review
14 under subsection (c) to all persons who, on the date of
15 enactment of the Expatriate Terrorist Act, are considered
16 to have been adjudicated mentally incompetent or com-
17 mitted to a psychiatric hospital under subsection (d)(4)
18 or (g)(4) of section 922 of title 18 as a result of having
19 been found by the Department to be mentally incom-
20 petent.

21 “(b) NOTICE.—The Secretary shall provide notice
22 under this section to a person described in subsection (a)
23 that notifies the person of—

24 “(1) the determination made by the Secretary;

1 “(2) a description of the implications of being
2 considered to have been adjudicated mentally incom-
3 petent or committed to a psychiatric hospital under
4 subsection (d)(4) or (g)(4) of section 922 of title 18;
5 and

6 “(3) the right of the person to request a review
7 under subsection (c)(1).

8 “(c) ADMINISTRATIVE REVIEW.—

9 “(1) REQUEST.—Not later than 30 days after
10 the date on which a person described in subsection
11 (a) receives notice in accordance with subsection (b),
12 such person may request a review by the board de-
13 signed or established under paragraph (2) or by a
14 court of competent jurisdiction to assess whether the
15 person is a danger to himself or herself or to others.
16 In such assessment, the board may consider the per-
17 son’s honorable discharge or decorations.

18 “(2) BOARD.—Not later than 180 days after
19 the date of enactment of the Expatriate Terrorist
20 Act, the Secretary shall designate or establish a
21 board that shall, upon request of a person under
22 paragraph (1), assess whether the person is a dan-
23 ger to himself or herself or to others.

24 “(d) JUDICIAL REVIEW.—A person may file a peti-
25 tion with a Federal court of competent jurisdiction for ju-

1 dicial review of an assessment of the person under sub-
2 section (c) by the board designated or established under
3 subsection (c)(2).”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions for chapter 55 of title 38, United States Code,
6 is amended by adding at the end the following:

“5511. Conditions for treatment of certain persons as adjudicated mentally in-
competent for certain purposes.”.