

117TH CONGRESS
2D SESSION

S. 3871

To provide a means for Congress to prevent an organization's designation as a foreign terrorist organization from being revoked by the Secretary of State.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Mr. MARSHALL (for himself, Mr. GRASSLEY, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide a means for Congress to prevent an organization's designation as a foreign terrorist organization from being revoked by the Secretary of State.

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. REVOCATION OF DESIGNATION AS FOREIGN**
4 **TERRORIST ORGANIZATION.**

5 Section 219(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1189(a)) is amended—

7 (1) in paragraph (4)—

1 (A) in subparagraph (A), by striking
2 “paragraph (5) or (6)” and inserting “subpara-
3 graph (A) or (B) of paragraph (5)”; and

4 (B) in subparagraph (C)(i), by striking
5 “paragraph (6)” and inserting “paragraph
6 (5)(B)”;

7 (2) by striking paragraphs (5) through (7) and
8 inserting the following:

9 “(5) REVOCATION.—

10 “(A) BY AN ACT OF CONGRESS.—The Con-
11 gress, by an Act of Congress, may block or re-
12 voke a designation made under paragraph (1).

13 “(B) BASED ON CHANGE IN CIR-
14 CUMSTANCES.—

15 “(i) IN GENERAL.—Subject to clauses
16 (ii) and (iii), the Secretary shall revoke a
17 designation made under paragraph (1)
18 with respect to a particular organization if
19 the Secretary determines, after completing
20 a review in accordance with subparagraph
21 (B) or (C) of paragraph (4), that—

22 “(I) the circumstances that were
23 the basis for the designation have
24 changed in such a manner as to war-
25 rant such revocation; or

1 “(II) the national security of the
2 United States warrants such revoca-
3 tion.

4 “(ii) EFFECTIVE DATE.—A revocation
5 under this subparagraph may not take ef-
6 fect before the date that is 45 days after
7 the date on which the Secretary, by classi-
8 fied communication, submits written notifi-
9 cation to the Speaker and the minority
10 leader of the House of Representatives, the
11 President pro tempore, the majority leader
12 and the minority leader of the Senate, and
13 the members of the relevant committees of
14 the House of Representatives and the Sen-
15 ate, in writing, of the Secretary’s deter-
16 mination under clause (i), including the
17 justification for such determination.

18 “(C) JOINT RESOLUTION.—

19 “(i) IN GENERAL.—A revocation
20 under subparagraph (B) shall not take ef-
21 fect with respect to a particular organiza-
22 tion if Congress, during the 45-day period
23 beginning on the date on which the Sec-
24 retary notifies Congress pursuant to clause
25 (ii), enacts a joint resolution containing

1 the following statement after the resolving
2 clause: ‘That the proposed revocation of
3 the _____ designation of
4 _____ as a foreign
5 terrorist organization under section
6 219(a)(1) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1189(a)(1)) pursuant
8 to the notification submitted to the Con-
9 gress on _____ is prohibited.’,
10 with the first blank to be completed with
11 the name of the foreign terrorist organiza-
12 tion that is the subject of such proposed
13 revocation and the second blank to be com-
14 pleted with the appropriate date.

15 “(ii) EXPEDITED PROCEDURES.—A
16 joint resolution described in clause (i) and
17 introduced within the appropriate 45-day
18 period shall be considered in the Senate
19 and in the House of Representatives in ac-
20 cordance with the procedures set forth in
21 clauses (iii) through (x).

22 “(iii) COMMITTEE REFERRAL.—A
23 joint resolution described in clause (i) that
24 is introduced in the House of Representa-
25 tives shall be referred to the Committee on

1 Foreign Affairs of the House of Represent-
2 atives. A joint resolution described in sub-
3 clause (I) that is introduced in the Senate
4 shall be referred to the Committee on For-
5 eign Relations of the Senate. Such a reso-
6 lution may not be reported before the
7 eighth day after its introduction.

8 “(iv) DISCHARGE.—If the committee
9 to which a joint resolution described in
10 clause (i) is referred does not report such
11 resolution (or an identical resolution) with-
12 in 15 days after its introduction—

13 “(I) such committee shall be dis-
14 charged from further consideration of
15 such resolution; and

16 “(II) such resolution shall be
17 placed on the appropriate calendar of
18 the House involved.

19 “(v) PRIVILEGED MOTION.—When the
20 committee to which a resolution is referred
21 has reported, or has been deemed to be
22 discharged from further consideration of, a
23 resolution described in clause (i), notwith-
24 standing any rule or precedent of the Sen-
25 ate, including Rule 22, it is at any time

1 thereafter in order (even if a previous mo-
2 tion to the same effect has been disagreed
3 to) for any Member of the respective
4 House to move to proceed to the consider-
5 ation of the resolution, and all points of
6 order against the resolution (and against
7 consideration of the resolution) are waived.
8 The motion is highly privileged in the
9 House of Representatives and is privileged
10 in the Senate and is not debatable. The
11 motion is not subject to amendment, to a
12 motion to postpone, or to a motion to pro-
13 ceed to the consideration of other business.
14 A motion to reconsider the vote by which
15 such motion is agreed to or disagreed to
16 shall not be in order. If a motion to pro-
17 ceed to the consideration of the resolution
18 is agreed to, the resolution shall remain
19 the unfinished business of the respective
20 House until disposed.

21 “(vi) DEBATE.—Debate on a joint
22 resolution described in clause (i), and on
23 all debatable motions and appeals in con-
24 nection therewith, shall be limited to not
25 more than 10 hours, which shall be divided

1 equally between those favoring and those
2 opposing the resolution. A motion to fur-
3 ther limit debate is in order and not debat-
4 able. An amendment to the joint resolu-
5 tion, a motion to postpone, a motion to
6 proceed to the consideration of other busi-
7 ness, or a motion to recommit the resolu-
8 tion is not in order. A motion to reconsider
9 the vote by which the resolution is agreed
10 to or disagreed to is not in order.

11 “(vii) VOTE.—Immediately following
12 the conclusion of the debate on a joint res-
13 olution described in clause (i), and a single
14 quorum call at the conclusion of the debate
15 if requested in accordance with the rules of
16 the appropriate House, the vote on final
17 passage of the resolution shall occur.

18 “(viii) APPEALS.—Appeals from the
19 decisions of the Chair relating to the appli-
20 cation of the rules of the Senate or of the
21 House of Representatives, as the case may
22 be, to the procedure relating to a joint res-
23 olution described in clause (i) shall be de-
24 cided without debate.

1 “(ix) PROCEDURES.—If, before the
2 passage by the Senate of a joint resolution
3 of the Senate described in clause (i), the
4 Senate receives a joint resolution described
5 in clause (i) from the House of Represent-
6 atives—

7 “(I) the resolution of the House
8 of Representatives shall not be re-
9 ferred to a committee;

10 “(II) with respect to a joint reso-
11 lution of the Senate described in
12 clause (i)—

13 “(aa) the procedure in the
14 Senate shall be the same as if
15 not resolution had been received
16 from the House of Representa-
17 tives; and

18 “(bb) the vote on final pas-
19 sage shall be on the resolution of
20 the House of Representatives;
21 and

22 “(III) upon disposition of the
23 joint resolution received from the
24 House of Representatives, it shall no
25 longer be in order to consider the

1 joint resolution that originated in the
2 Senate.

3 “(x) SENATE ACTION.—If the Senate
4 receives a joint resolution described in
5 clause (i) from the House of Representa-
6 tives after the Senate has disposed of a
7 joint resolution described in clause (i) that
8 originated in the Senate, the action of the
9 Senate regarding the disposition of the
10 Senate originated resolution shall be
11 deemed to be the action of the Senate with
12 regard to the joint resolution that origi-
13 nated in the House of Representatives.

14 “(D) EFFECT OF REVOCATION.—The rev-
15 ocation of a designation under this paragraph
16 shall not affect any action or proceeding based
17 on conduct committed before the effective date
18 of such revocation.”; and

19 (3) by redesignating paragraph (8) as para-
20 graph (6).

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