117TH CONGRESS
1ST SESSION

S. ______

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

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on ________________

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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. REVOCATION OF DESIGNATION AS FOREIGN TERRORIST ORGANIZATION.

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

(1) in paragraph (4)—
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(A) in subparagraph (A), by striking “paragraph (5) or (6)” and inserting “subparagraph (A) or (B) of paragraph (5)”;

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

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

“(5) Revocation.—

“(A) By an act of Congress.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(B) Based on change in circumstances.—

“(i) In general.—Subject to clause (ii) and (iii), the Secretary shall revoke a designation made under paragraph (1) with respect to a particular organization if the Secretary determines, after completing a review in accordance with subparagraph (B) or (C) of paragraph (4), that—

“(I) the circumstances that were the basis for the designation have changed in such a manner as to warrant such revocation; or
“(II) the national security of the United States warrants such revocation.

“(ii) EFFECTIVE DATE.—A revocation under this subparagraph may not take effect before the date that is 45 days after the date on which the Secretary, by classified communication, submits written notification to the Speaker and the Minority Leader of the House of Representatives, the President pro tempore, the Majority Leader and the Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the Secretary’s determination under clause (i), including the justification for such determination.

“(C) JOINT RESOLUTION.—

“(i) IN GENERAL.—A revocation under subparagraph (B) shall not take effect with respect to a particular organization if Congress, during the 45-day period beginning on the date on which the Secretary notifies Congress pursuant to clause
(ii), enacts a joint resolution containing
the following statement after the resolving
clause: ‘That the proposed revocation of
the designation of ________________
as a foreign terrorist organization under
section 219(a)(1) of the Immigration and
Nationality Act (8 U.S.C. 1189(a)(1)) pur-
suant to the notification submitted to the
Congress on ________________ is prohib-
ited.’, with the first blank to be completed
with the name of the foreign terrorist or-
ganization that is the subject of such pro-
posed revocation and the second blank to
be completed with the appropriate date.

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

“(iii) COMMITTEE REFERRAL.—A
joint resolution described in clause (i) that
is introduced in the House of Representa-
tives shall be referred to the Committee on
Foreign Affairs of the House of Representatives. A joint resolution described in subclause (I) that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

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

“(I) such committee shall be discharged from further consideration of such resolution; and

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

“(v) PRIVILEGED MOTION.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in clause (i), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time
thereafter in order (even if a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed.

“(vi) DEBATE.—Debate on a joint resolution described in clause (i), and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided
equally between those favoring and those opposing the resolution. A motion to further limit debate is in order and not debatable. An amendment to the joint resolution, a motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

“(vii) Vote.—Immediately following the conclusion of the debate on a joint resolution described in clause (i), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

“(viii) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or of the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in clause (i) shall be decided without debate.
“(ix) PROCEDURES.—If, before the passage by the Senate of a joint resolution of the Senate described in clause (i), the Senate receives a joint resolution described in clause (i) from the House of Representatives—

“(I) the resolution of the House of Representatives shall not be referred to a committee;

“(II) with respect to a joint resolution of the Senate described in clause (i)—

“(aa) the procedure in the Senate shall be the same as if not resolution had been received from the House of Representatives; and

“(bb) the vote on final passage shall be on the resolution of the House of Representatives; and

“(III) upon disposition of the joint resolution received from the House of Representatives, it shall no longer be in order to consider the
joint resolution that originated in the Senate.

“(x) SENATE ACTION.—If the Senate receives a joint resolution described in clause (i) from the House of Representatives after the Senate has disposed of a joint resolution described in clause (i) that originated in the Senate, the action of the Senate regarding the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the joint resolution that originated in the House of Representatives.

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

(3) by redesignating paragraph (8) as paragraph (6).