

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.

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## 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

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## 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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