

108TH CONGRESS
2D SESSION

H. R. 3978

To amend the Immigration and Nationality Act to modify provisions relating to designation of foreign terrorist organizations, to amend the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to include in annual Department of State country reports on terrorism information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2004

Mr. GALLEGLY (for himself and Mr. PITTS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to modify provisions relating to designation of foreign terrorist organizations, to amend the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to include in annual Department of State country reports on terrorism information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Designation of Foreign
3 Terrorist Organizations Reform Act”.

4 **SEC. 2. DESIGNATION OF FOREIGN TERRORIST ORGANIZA-**
5 **TIONS.**

6 (a) PERIOD OF DESIGNATION.—Section 219(a)(4) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1189(a)(4)) is amended—

9 (1) in subparagraph (A)—

10 (A) by striking “Subject to paragraphs (5)
11 and (6), a” and inserting “A”; and

12 (B) by striking “for a period of 2 years be-
13 ginning on the effective date of the designation
14 under paragraph (2)(B)” and inserting “until
15 revoked under paragraph (5) or (6) or set aside
16 pursuant to subsection (c)”;

17 (2) by striking subparagraph (B) and inserting
18 the following:

19 “(B) REVIEW OF DESIGNATION UPON PE-
20 TITION.—

21 “(i) IN GENERAL.—The Secretary
22 shall review the designation of a foreign
23 terrorist organization under the procedures
24 set forth in clauses (iii) and (iv) if the des-
25 ignated organization files a petition for

1 revocation within the petition period de-
2 scribed in clause (ii).

3 “(ii) PETITION PERIOD.—For pur-
4 poses of clause (i)—

5 “(I) if the designated organiza-
6 tion has not previously filed a petition
7 for revocation under this subpara-
8 graph, the petition period begins 2
9 years after the date on which the des-
10 ignation was made; or

11 “(II) if the designated organiza-
12 tion has previously filed a petition for
13 revocation under this subparagraph,
14 the petition period begins 2 years
15 after the date of the determination
16 made under clause (iv) on that peti-
17 tion.

18 “(iii) PROCEDURES.—Any foreign ter-
19 rorist organization that submits a petition
20 for revocation under this subparagraph
21 must provide evidence in that petition that
22 the relevant circumstances described in
23 paragraph (1) have changed in such a
24 manner as to warrant revocation with re-
25 spect to the organization.

1 “(iv) DETERMINATION.—

2 “(I) IN GENERAL.—Not later
3 than 180 days after receiving a peti-
4 tion for revocation submitted under
5 this subparagraph, the Secretary shall
6 make a determination as to such rev-
7 ocation.

8 “(II) CLASSIFIED INFORMA-
9 TION.—The Secretary may consider
10 classified information in making a de-
11 termination in response to a petition
12 for revocation. Classified information
13 shall not be subject to disclosure for
14 such time as it remains classified, ex-
15 cept that such information may be
16 disclosed to a court ex parte and in
17 camera for purposes of judicial review
18 under subsection (c).

19 “(III) PUBLICATION OF DETER-
20 MINATION.—A determination made by
21 the Secretary under this clause shall
22 be published in the Federal Register.

23 “(IV) PROCEDURES.—Any rev-
24 ocation by the Secretary shall be

1 made in accordance with paragraph
2 (6).”; and

3 (3) by adding at the end the following:

4 “(C) OTHER REVIEW OF DESIGNATION.—

5 “(i) IN GENERAL.—If in a 4-year pe-
6 riod no review has taken place under sub-
7 paragraph (B), the Secretary shall review
8 the designation of the foreign terrorist or-
9 ganization in order to determine whether
10 such designation should be revoked pursu-
11 ant to paragraph (6).

12 “(ii) PROCEDURES.—If a review does
13 not take place pursuant to subparagraph
14 (B) in response to a petition for revocation
15 that is filed in accordance with that sub-
16 paragraph, then the review shall be con-
17 ducted pursuant to procedures established
18 by the Secretary. The results of such re-
19 view and the applicable procedures shall
20 not be reviewable in any court.

21 “(iii) PUBLICATION OF RESULTS OF
22 REVIEW.—The Secretary shall publish any
23 determination made pursuant to this sub-
24 paragraph in the Federal Register.”.

1 (b) ALIASES.—Section 219 of the Immigration and
2 Nationality Act (8 U.S.C. 1189) is amended—

3 (1) by redesignating subsections (b) and (c) as
4 subsections (c) and (d), respectively; and

5 (2) by inserting after subsection (a) the fol-
6 lowing new subsection (b):

7 “(b) AMENDMENTS TO A DESIGNATION.—

8 “(1) IN GENERAL.—The Secretary may amend
9 a designation under this subsection if the Secretary
10 finds that the organization has changed its name,
11 adopted a new alias, dissolved and then reconsti-
12 tuted itself under a different name or names, or
13 merged with another organization.

14 “(2) PROCEDURE.—Amendments made to a
15 designation in accordance with paragraph (1) shall
16 be effective upon publication in the Federal Register.
17 Subparagraphs (B) and (C) of subsection (a)(2)
18 shall apply to an amended designation upon such
19 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),
20 and (8) of subsection (a) shall also apply to an
21 amended designation.

22 “(3) ADMINISTRATIVE RECORD.—The adminis-
23 trative record shall be corrected to include the
24 amendments as well as any additional relevant infor-
25 mation that supports those amendments.

1 “(4) CLASSIFIED INFORMATION.—The Sec-
2 retary may consider classified information in amend-
3 ing a designation in accordance with this subsection.
4 Classified information shall not be subject to disclo-
5 sure for such time as it remains classified, except
6 that such information may be disclosed to a court ex
7 parte and in camera for purposes of judicial review
8 under subsection (c).”.

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
10 Section 219 of the Immigration and Nationality Act (8
11 U.S.C. 1189) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (3)(B), by striking “sub-
14 section (b)” and inserting “subsection (c)”;

15 (B) in paragraph (6)(A)—

16 (i) in the matter preceding clause (i),
17 by striking “or a redesignation made under
18 paragraph (4)(B)” and inserting “at any
19 time, and shall revoke a designation upon
20 completion of a review conducted pursuant
21 to subparagraphs (B) and (C) of para-
22 graph (4)”;

23 (ii) in clause (i), by striking “or red-
24 esignation”;

1 (C) in paragraph (7), by striking “, or the
2 revocation of a redesignation under paragraph
3 (6),”; and

4 (D) in paragraph (8)—

5 (i) by striking “, or if a redesignation
6 under this subsection has become effective
7 under paragraph (4)(B),”; and

8 (ii) by striking “or redesignation”;
9 and

10 (2) in subsection (c), as so redesignated—

11 (A) in paragraph (1), by striking “of the
12 designation in the Federal Register,” and all
13 that follows through “review of the designa-
14 tion” and inserting “in the Federal Register of
15 a designation, an amended designation, or a de-
16 termination in response to a petition for revoca-
17 tion, the designated organization may seek judi-
18 cial review”;

19 (B) in paragraph (2), by inserting “,
20 amended designation, or determination in re-
21 sponse to a petition for revocation” after “des-
22 ignation”;

23 (C) in paragraph (3), by inserting “,
24 amended designation, or determination in re-

1 sponse to a petition for revocation” after “des-
2 ignation”; and

3 (D) in paragraph (4), by inserting “,
4 amended designation, or determination in re-
5 sponse to a petition for revocation” after “des-
6 ignation” each place that term appears.

7 (d) SAVINGS PROVISION.—For purposes of applying
8 section 219 of the Immigration and Nationality Act on
9 or after the date of enactment of this Act, the term “des-
10 ignation”, as used in that section, includes all redesigna-
11 tions made pursuant to section 219(a)(4)(B) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1189(a)(4)(B))
13 prior to the date of enactment of this Act, and such redes-
14 ignations shall continue to be effective until revoked as
15 provided in paragraph (5) or (6) of section 219(a) of the
16 Immigration and Nationality Act (8 U.S.C. 1189(a)).

17 **SEC. 3. INCLUSION IN ANNUAL DEPARTMENT OF STATE**
18 **COUNTRY REPORTS ON TERRORISM OF IN-**
19 **FORMATION ON TERRORIST GROUPS THAT**
20 **SEEK WEAPONS OF MASS DESTRUCTION AND**
21 **GROUPS THAT HAVE BEEN DESIGNATED AS**
22 **FOREIGN TERRORIST ORGANIZATIONS.**

23 (a) INCLUSION IN REPORTS.—Section 140 of the
24 Foreign Relations Authorization Act, Fiscal Years 1988
25 and 1989 (22 U.S.C. 2656f) is amended—

1 (1) in subsection (a)(2)—

2 (A) by inserting “any terrorist group
3 known to have obtained or developed, or to have
4 attempted to obtain or develop, weapons of
5 mass destruction,” after “during the preceding
6 five years,”; and

7 (B) by inserting “any group designated by
8 the Secretary as a foreign terrorist organization
9 under section 219 of the Immigration and Na-
10 tionality Act (8 U.S.C. 1189),” after “Export
11 Administration Act of 1979,”;

12 (2) in subsection (b)(1)(C)(iii), by striking
13 “and” at the end;

14 (3) in subsection (b)(1)(C)—

15 (A) by redesignating clause (iv) as clause
16 (v); and

17 (B) by inserting after clause (iii) the fol-
18 lowing new clause:

19 “(iv) providing weapons of mass de-
20 struction, or assistance in obtaining or de-
21 veloping such weapons, to terrorists or ter-
22 rorist groups; and”; and

23 (4) in subsection (b)(2)—

1 (A) by redesignating subparagraphs (C),
2 (D), and (E) as (D), (E), and (F), respectively;
3 and

4 (B) by inserting after subparagraph (B)
5 the following new subparagraph:

6 “(C) efforts by those groups to obtain or
7 develop weapons of mass destruction;”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall apply beginning with the first report
10 under section 140 of the Foreign Relations Authorization
11 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), sub-
12 mitted more than one year after the date of the enactment
13 of this Act.

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