

# DOWNLOAD PDF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS REFORM ACT

## Chapter 1 : Executive Order

*Foreign Terrorist Organizations (FTOs) are foreign organizations that are designated by the Secretary of State in accordance with section of the Immigration and Nationality Act (INA), as amended.*

When reviewing potential targets, CT looks not only at the actual terrorist attacks that a group has carried out, but also at whether the group has engaged in planning and preparations for possible future acts of terrorism or retains the capability and intent to carry out such acts. Designation Once a target is identified, CT prepares a detailed "administrative record," which is a compilation of information, typically including both classified and open sources information, demonstrating that the statutory criteria for designation have been satisfied. Upon the expiration of the seven-day waiting period and in the absence of Congressional action to block the designation, notice of the designation is published in the Federal Register, at which point the designation takes effect. By law an organization designated as an FTO may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit not later than 30 days after the designation is published in the Federal Register. IIRTPA provides that an FTO may file a petition for revocation 2 years after its designation date or in the case of redesignated FTOs, its most recent redesignation date or 2 years after the determination date on its most recent petition for revocation. In order to provide a basis for revocation, the petitioning FTO must provide evidence that the circumstances forming the basis for the designation are sufficiently different as to warrant revocation. If no such review has been conducted during a 5 year period with respect to a designation, then the Secretary of State is required to review the designation to determine whether revocation would be appropriate. In addition, the Secretary of State may at any time revoke a designation upon a finding that the circumstances forming the basis for the designation have changed in such a manner as to warrant revocation, or that the national security of the United States warrants a revocation. The same procedural requirements apply to revocations made by the Secretary of State as apply to designations. A designation may be revoked by an Act of Congress, or set aside by a Court order. Legal Ramifications of Designation It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide "material support or resources" to a designated FTO. The term "material support or resources" is defined in 18 U. Department of the Treasury. Other Effects of Designation Supports our efforts to curb terrorism financing and to encourage other nations to do the same. Stigmatizes and isolates designated terrorist organizations internationally. Deters donations or contributions to and economic transactions with named organizations. Heightens public awareness and knowledge of terrorist organizations. Signals to other governments our concern about named organizations. The Secretary of State must revoke a designation if the Secretary finds that the circumstances that were the basis of the designation have changed in such a manner as to warrant a revocation; The Secretary of State must revoke a designation if the Secretary finds that the national security of the United States warrants a revocation; The Secretary of State may revoke a designation at any time. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified. The revocation of a designation shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

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## Chapter 2 : House Judiciary Committee

*Today the Subcommittee on International Terrorism, Nonproliferation and Human Rights will consider H.R. , the Designation of Foreign Terrorist Organizations Reform Act. H.R. would streamline the procedure for redesignating a group as a foreign terrorist organization, thereby allowing the State Department, Treasury Department, FBI and.*

Designation of foreign terrorist organizations a Designation 1 In general The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that— A the organization is a foreign organization ; B the organization engages in terrorist activity as defined in section a 3 B of this title or terrorism as defined in section f d 2 of title 22 , or retains the capability and intent to engage in terrorist activity or terrorism [1] ; and C the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States. B Effect of designation i For purposes of section B of title 18 , a designation under this subsection shall take effect upon publication under subparagraph A ii. C Freezing of assets Upon notification under paragraph 2 A i , the Secretary of the Treasury may require United States financial institutions possessing or controlling any assets of any foreign organization included in the notification to block all financial transactions involving those assets until further directive from either the Secretary of the Treasury, Act of Congress, or order of court. B Classified information The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection c. B Review of designation upon petition i In general The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses iii and iv if the designated organization files a petition for revocation within the petition period described in clause ii. II Classified information The Secretary may consider classified information in making a determination in response to a petition for revocation. IV Procedures Any revocation by the Secretary shall be made in accordance with paragraph 6. C Other review of designation i In general If in a 5-year period no review has taken place under subparagraph B , the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph 6. The results of such review and the applicable procedures shall not be reviewable in any court. B Procedure The procedural requirements of paragraphs 2 and 3 shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified. Subparagraphs B and C of subsection a 2 shall apply to an amended designation upon such publication. Paragraphs 2 A i , 4 , 5 , 6 , 7 , and 8 of subsection a shall also apply to an amended designation. June 27, , ch. The comma probably should be a semicolon. Codification Another section c of Pub. B and struck out former subpar. B which contained provisions authorizing Secretary to redesignate a foreign organization as a foreign terrorist organization for an additional 2-year period at the end of the 2-year period referred to in subpar. A or at the end of any 2-year redesignation period. Prior to amendment, text read as follows: Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation. Effective Date of Amendment Amendment by Pub. Effective Date of Amendment.