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## Terrorism Designations FAQs

### Fact Sheet

Office of the Spokesperson

**Washington, DC**

**July 10, 2012**

#### 1. What are the different types of terrorism designations for groups and individuals?

There are two main authorities for terrorism designations of groups and individuals. Groups can be designated as *Foreign Terrorist Organizations* under the Immigration and Nationality Act. Under Executive Order 13224 a wider range of entities, including terrorist groups, individuals acting as part of a terrorist organization, and other entities such as financiers and front companies, can be designated as *Specially Designated Global Terrorists* (SDGTs).

#### 2. Who can designate FTOs and SDGTs?

The Department of State is authorized to designate FTOs and SDGTs, while the Department of the Treasury designates only SDGTs. Both departments pursue these designations in cooperation with the Department of Justice. All of the Department of State's designations can be found at: <http://www.state.gov/jct/list/index.htm>. All State FTO and EO designations can also be found at the Treasury OFAC website.

#### 3. What are the criteria for designation?

The Secretary of State designates **Foreign Terrorist Organizations** in accordance with section 219 of the Immigration and Nationality Act. The legal criteria for designating a group as a Foreign Terrorist Organization are:

- The organization must be a foreign organization;
- The organization engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism; and
- The terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.

Under **Executive Order 13224**, the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, may designate foreign individuals or entities that he determines have committed, or pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the U.S.; or, the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, may designate individuals or entities that are determined:

- To be owned or controlled by, or act for or on behalf of an individual or entity listed in the Annex to the Order or by or for persons determined to be subject to the Order;
- To assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, acts of terrorism or individuals or entities designated in or under the Order; or
- To be otherwise associated with certain individuals or entities designated in or under the Order.

#### 4. What makes you decide to designate or not designate a group or entity?

Within the Department of State, the Bureau of Counterterrorism identifies and evaluates possible individuals or organizations for designation. Other Departments also recommend designation targets.

#### 5. How long does the process take?

For **Foreign Terrorist Organizations**, once an organization is identified, we prepare a detailed "administrative record," which is a compilation of information, typically including both classified and open source information, demonstrating that the statutory criteria for designation have been satisfied.

- If the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, decides to make the designation, Congress is notified of the Secretary's intent to designate the organization seven days

before the designation is published in the Federal Register, as section 219 of the Immigration and Nationality Act requires.

- 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.

For **Specially Designated Global Terrorists**, As with FTO designations, an "administrative record" is prepared for E.O. 13224 designations. Once it is completed and the Secretary of State or the Secretary of the Treasury designates an individual or entity, the Office of Foreign Assets Control (OFAC) of the Department of the Treasury takes appropriate action to block the assets of the individual or entity in the United States or in the possession or control of U.S. persons, including notification of the blocking order to U.S. financial institutions, directing them to block the assets of the designated individual or entity.

- Notice of the designation is also published in the *Federal Register*. OFAC also adds the individual or entity to its list of Specially Designated Nationals, by identifying such individuals or entities as Specially Designated Global Terrorists (SDGTs), and posts a notice of this addition on the OFAC website.
- Designations remain in effect until the designation is revoked or the Executive Order lapses or is terminated in accordance with U.S. law.

#### 6. What are the consequences of a designation?

##### Executive Order:

- With limited exceptions set forth in the Order, or as authorized by OFAC, all property and interests in property of designated individuals or entities that are in the United States or that come within the United States, or that come within the possession or control of U.S. persons are blocked.
- With limited exceptions set forth in the Order, or as authorized by OFAC, any transaction or dealing by U.S. persons or within the United States in property or interests in property blocked pursuant to the Order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of individuals or entities designated under the Order.
- Any transaction by any U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions in the Order is prohibited. Any conspiracy formed to violate any of the prohibitions is also prohibited.
- Civil and criminal penalties may be assessed for violations.

##### Foreign Terrorist Organization:

- 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.
- Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances removable from, the United States.
- The Secretary of the Treasury may require U.S. financial institutions possessing or controlling any assets of a designated FTO to block all transactions involving those assets.

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