

113TH CONGRESS  
1ST SESSION

# S. 198

To require a report on the designation of Boko Haram as a foreign terrorist organization, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2013

Mr. RISCH (for himself, Mr. CHAMBLISS, Mr. COBURN, Mr. BURR, Mr. RUBIO, Mr. MORAN, Ms. AYOTTE, and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require a report on the designation of Boko Haram as a foreign terrorist organization, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Boko Haram Terrorist  
5 Designation Act of 2013”.

6 **SEC. 2. REPORT ON DESIGNATION OF BOKO HARAM AS A**  
7 **FOREIGN TERRORIST ORGANIZATION.**

8 (a) FINDINGS.—Congress finds the following:

1           (1) On August 26, 2011, a vehicle borne explo-  
2           sive device (VBIED) was detonated after being driv-  
3           en into the lobby of a United Nations facility in  
4           Abuja, Nigeria. At least 21 people died as a result  
5           of the explosion, and the Islamist militant organiza-  
6           tion commonly called “Boko Haram” claimed re-  
7           sponsibility.

8           (2) On December 25, 2011, a series of bombs  
9           were detonated across northern Nigeria. Some of  
10          these attacks killed worshippers attending Christmas  
11          Day services, and killed an estimated total of 41  
12          people. Boko Haram claimed responsibility.

13          (3) From their inception, Boko Haram has  
14          killed hundreds of innocent civilians and has contin-  
15          ually enhanced its lethality, pledging to continue its  
16          use of terrorist tactics. In a July 2010 statement,  
17          Boko Haram’s leader, Abubakar Shekau, issued sup-  
18          port to al Qaeda and made threatening remarks to  
19          the United States.

20          (4) On January 31, 2012, in testimony before  
21          Congress, Director of National Intelligence James  
22          Clapper included Boko Haram in his worldwide  
23          threat assessment, stating, “There are also fears  
24          that Boko Haram—elements of which have engaged  
25          al-Qa’ida in the Islamic Maghreb (AQIM)—is inter-

1       ested in hitting Western targets, such as the U.S.  
2       Embassy and hotels frequented by Westerners.”.

3           (5) On February 23, 2012, United States Am-  
4       bassador to Nigeria Terrence P. McCulley indicated  
5       Boko Haram’s danger was expanding. He said,  
6       “‘We’ve seen an increase in sophistication, we’ve seen  
7       increased lethality. We saw at last a part of the  
8       group has decided it’s in their interest to attack the  
9       international community.”.

10          (6) On February 27, 2012, at a conference held  
11       by the African Society of the National Summit on  
12       Africa, former United States Ambassador to Nigeria  
13       Howard F. Jeter described Boko Haram by saying,  
14       “‘It is a terrorist group. If you kill 28 innocent peo-  
15       ple worshipping in a church, it is a terrorist group.”.

16          (7) The Foreign Office of the United Kingdom  
17       of Great Britain and Northern Ireland, a major  
18       United States ally, publicly refers to Boko Haram as  
19       the “‘main terrorist threat in Nigeria”.

20       (b) REPORT.—

21          (1) IN GENERAL.—Not later than 30 days after  
22       the date of the enactment of this Act, the Secretary  
23       of State shall, in consultation with the intelligence  
24       community, submit to the appropriate congressional  
25       committees—

1 (A) a detailed report on whether the Nige-  
2 rian organization named “People Committed to  
3 the Propagation of the Prophet’s Teachings and  
4 Jihad” (commonly known as “Boko Haram”  
5 and by other aliases, including Ansaru and  
6 Jama’atu Ahlis Sunna Lidda’awati Wal-Jihad),  
7 meets the criteria for designation as a foreign  
8 terrorist organization under section 219 of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1189); and

11 (B) if the Secretary of State determines  
12 that Boko Haram does not meet such criteria,  
13 a detailed justification as to which criteria have  
14 not been met.

15 (2) FORM.—The report required by paragraph  
16 (1) shall be submitted in unclassified form, but may  
17 include a classified annex if appropriate.

18 (3) DEFINITIONS.—In this subsection:

19 (A) APPROPRIATE CONGRESSIONAL COM-  
20 MITTEES.—The term “appropriate congres-  
21 sional committees” means—

22 (i) the Committee on Homeland Secu-  
23 rity and Governmental Affairs, the Com-  
24 mittee on Armed Services, the Committee

1 on Foreign Relations, and the Select Com-  
2 mittee on Intelligence of the Senate; and

3 (ii) the Committee on Homeland Se-  
4 curity, the Committee on Armed Services,  
5 the Committee on Foreign Affairs, and the  
6 Permanent Select Committee on Intel-  
7 ligence of the House of Representatives.

8 (B) INTELLIGENCE COMMUNITY.—The  
9 term “intelligence community” has the meaning  
10 given that term in section 3(4) of the National  
11 Security Act of 1947 (50 U.S.C. 401a(4)).

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of Congress that Boko Haram meets  
14 the criteria for designation as a foreign terrorist organiza-  
15 tion under section 219 of the Immigration and Nationality  
16 Act (8 U.S.C. 1189) and should be designated as such.

17 **SEC. 4. RULE OF CONSTRUCTION.**

18 Nothing in this Act may be construed to infringe  
19 upon the sovereignty of the Government of Nigeria to com-  
20 bat militant or terrorist groups operating inside the  
21 boundaries of Nigeria.

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