

113TH CONGRESS
1ST SESSION

H. R. 3209

To impose sanctions against persons who knowingly provide material support or resources to Boko Haram or its affiliates, associated groups, or agents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2013

Mr. SMITH of New Jersey (for himself and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs and Financial Services, 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 impose sanctions against persons who knowingly provide material support or resources to Boko Haram or its affiliates, associated groups, or agents, 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”.

1 **SEC. 2. SENSE OF CONGRESS ON DESIGNATION OF BOKO**
2 **HARAM AS A FOREIGN TERRORIST ORGANI-**
3 **ZATION.**

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

5 (1) The Congregation and People of Tradition
6 for Proselytism and Jihad, or more popularly known
7 under its Hausa name Boko Haram (“Western edu-
8 cation is sinful.”), is a Nigerian jihadist organization
9 based in the northeastern part of that country.

10 (2) Since its founding in 2001, Boko Haram re-
11 portedly has been responsible for the deaths of more
12 than 10,000 persons, mostly Nigerians. This group
13 has been officially designated by the Government of
14 the Federal Republic of Nigeria as a terrorist orga-
15 nization, along with another group—Jama’atu
16 Ansarul Muslimina Fi Biladis Sudan—under section
17 2 of Nigeria’s Terrorism Prevention Act of 2011 (as
18 amended).

19 (3) Boko Haram claimed responsibility for the
20 August 26, 2011, bombing of the United Nations
21 Building in Abuja in which 21 persons were killed
22 and another 60 were injured.

23 (4) In testimony before the Senate Select Com-
24 mittee on Intelligence on January 31, 2012, Direc-
25 tor of National Intelligence James Clapper said
26 Boko Haram “is interested in hitting targets, such

1 as the U.S. Embassy and hotels frequented by West-
2 erners.”

3 (5) On February 23, 2012, United States Am-
4 bassador to Nigeria Terrance P. McCulley said that
5 Boko Haram’s danger was expanding and that at
6 least part of the group “has decided it’s in their in-
7 terest to attack the international community.”.

8 (b) CRITERIA.—Section 219(a)(1) of the Immigration
9 and Nationality Act (8 U.S.C. 1189(a)(1)) provides the
10 3 criteria for the designation of an organization as a For-
11 eign Terrorist Organization:

12 (1) The organization must be a foreign organi-
13 zation.

14 (2) The organization must engage in terrorist
15 activity, as defined in section 212(a)(3)(B) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1182(a)(3)(B)), or terrorism, as defined in section
18 140(d)(2) of the Foreign Relations Authorization
19 Act, Fiscal Years 1988 and 1989 (22 U.S.C.
20 2656f(d)(2)), or retain the capability and intent to
21 engage in terrorist activity or terrorism.

22 (3) The organization’s terrorist activity or ter-
23 rorism must threaten the security of United States
24 nationals or the national security (national defense,

1 foreign relations, or the economic interests) of the
2 United States.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) Boko Haram has met the criteria for des-
6 ignation as a Foreign Terrorist Organization under
7 section 219 of the Immigration and Nationality Act
8 (as described in subsection (b)); and

9 (2) the Secretary of State, in consultation with
10 the Attorney General and the Secretary of the
11 Treasury, should exercise the Secretary of State’s
12 statutory authority and designate Boko Haram as a
13 Foreign Terrorist Organization.

14 (d) REPORT.—If the Secretary of State does not des-
15 ignate Boko Haram as a Foreign Terrorist Organization
16 within 60 days after the date of the enactment of this Act,
17 the Secretary of State shall submit to Congress a report
18 that contains the reasons therefor.

19 **SEC. 3. SANCTIONS AGAINST PERSONS WHO KNOWINGLY**
20 **PROVIDE MATERIAL SUPPORT OR RE-**
21 **SOURCES TO BOKO HARAM OR ITS AFFILI-**
22 **ATES, ASSOCIATED GROUPS, OR AGENTS.**

23 (a) SANCTIONS.—

24 (1) IN GENERAL.—In concert with applicable
25 Nigerian law regarding Boko Haram or its affiliates,

1 associated groups, or agents, the President shall
2 subject to all available sanctions any person in the
3 United States or subject to the jurisdiction of the
4 United States who knowingly provides material sup-
5 port or resources to Boko Haram or its affiliates,
6 associated groups, or agents.

7 (2) DEFINITION.—In this paragraph, the term
8 “material support or resources” has the meaning
9 given such term in section 2339A(b)(1) of title 18,
10 United States Code.

11 (b) INADMISSABILITY AND REMOVAL.—

12 (1) INADMISSABILITY.—Notwithstanding any
13 other provision of law, the Secretary of State may
14 not issue any visa to, and the Secretary of Home-
15 land Security shall deny entry to the United States
16 of, any member or representative of Boko Haram or
17 its affiliates, associated groups, or agents.

18 (2) REMOVAL.—In certain circumstances, any
19 alien who is a member or representative of Boko
20 Haram or its affiliates, associated groups, or agents
21 shall be removable from the United States as pro-
22 vided for in sections 212(a)(3)(B)(i)(IV) or (V) and
23 237(a)(1)(A) of the Immigration and Nationality
24 Act (8 U.S.C. 1182(a)(3)(B)(i)(IV) or (V) and
25 1227(a)(1)(A)).

1 (c) FUNDS.—Any United States financial institution
2 that knowingly has possession of or control over funds in
3 which Boko Haram or its affiliates, associated groups, or
4 agents have an interest shall retain possession of or con-
5 trol over the funds and report the funds to the Office of
6 Foreign Assets Control of the Department of the Treas-
7 ury.

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