



One Hundred Twelfth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

May 18, 2012

The Honorable Hillary Clinton  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

Dear Secretary Clinton:

We are writing in response to a May 17<sup>th</sup> *Reuters* report that revealed the Department of Justice sent a letter on January 26, 2012 to the Department of State's Coordinator for Counterterrorism, Ambassador Daniel Benjamin, formally requesting that Nigerian Islamist group Boko Haram be designated a Foreign Terrorist Organization (FTO), in accordance with Section 219 of the Immigration and Nationality Act (INA), as amended.<sup>1</sup> We find it deeply alarming the Department of State has yet to take any action and believe inaction represents a threat to U.S. national security.

As you know, on September 13, 2011 Reps. Patrick Meehan and Jackie Speier sent you a letter asking that you begin an investigation into whether Boko Haram should be designated an FTO. In response, the Department of State offered a classified briefing on Boko Haram. Unfortunately, on the day that briefing was scheduled to occur, representatives from the Department of State cancelled the meeting and have yet to reschedule. On March 30<sup>th</sup>, we sent you a letter urging you to immediately designate Boko Haram an FTO. We have yet to receive a response.

It is deeply frustrating and concerning that a formal request from the Department of Justice for FTO designation of Boko Haram has gone unheeded for almost six months. To learn that the Department of Justice believes Boko Haram meets the legal requirements for FTO designation confirms the Department of State is denying the United States intelligence and law enforcement communities the tools they need to combat an al Qaeda affiliated terrorist organization. Ten years after 9/11, we cannot allow bureaucratic stovepipes and interagency turf battles to prevent us from protecting the U.S. homeland and U.S. global interests.

Since our March 30<sup>th</sup> letter, Boko Haram has bombed Christian churches during Easter Sunday masses and has continued to enhance its lethality. According to a *Washington Post*

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<sup>1</sup> Mark Hosenball and John Shiffman, "U.S. Justice Dept Urges Terror Label for Nigerian Militants. *Reuters*, May 17, 2012.

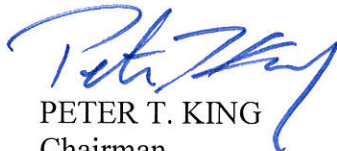
column by David Ignatius, Boko Haram may have taken possession of SA-7B missiles from loose Libyan stockpiles, which could be used against civilian aircraft. If this information is accurate, the fact the Department of State continues to stonewall the Department of Justice is utterly unacceptable.

Boko Haram's evolution into an operationally mature al Qaeda affiliate must be stopped before it is too late. In two previous instances, the Department of State failed to designate as FTOs al Qaeda in the Arabian Peninsula (AQAP) and Tehrik-e-Taliban (TTP) until *after* they attempted blow to up Northwest Airlines Flight 253 on Christmas Day 2009 over Detroit and detonate a vehicle borne improvised explosive device (VBIED) in Times Square, respectively.

Designating Boko Haram an FTO is essential to giving our intelligence and law enforcement agencies the legal authorities to deter individuals who might be providing support to Boko Haram in the U.S. and abroad, and freeze any known Boko Haram assets. FTO designation can no longer wait. We urge you to act immediately.

If you have any questions, please do not hesitate to contact us.

Sincerely,



PETER T. KING  
Chairman  
Committee on Homeland Security



PATRICK MEEHAN  
Chairman  
Subcommittee on Counterterrorism  
and Intelligence

cc: The Honorable Eric H. Holder, Attorney General of the United States  
The Honorable Robert S. Mueller III, Director of the Federal Bureau of Investigation