

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To penalize acts of domestic terrorism, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Ms. MCSALLY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To penalize acts of domestic terrorism, 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. DOMESTIC TERRORISM.**

4 (a) IN GENERAL.—Chapter 113B of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 2339E. Domestic terrorism**

8 “(a) OFFENSES AND PENALTIES.—Whoever, with re-  
9 spect to a circumstance described in subsection (b), and  
10 with the intent to intimidate or coerce a civilian population

1 or influence, affect, or retaliate against the policy or con-  
2 duct of a government—

3 “(1) kills any person—

4 “(A) if the killing is murder (as defined in  
5 section 1111(a)), shall be punished by death or  
6 imprisonment for any term of years or for life,  
7 fined under this title, or both;

8 “(B) if the killing is a voluntary man-  
9 slaughter (as defined in section 1112(a)), shall  
10 be imprisoned for not more than 10 years, fined  
11 under this title, or both; and

12 “(C) if the killing is an involuntary man-  
13 slaughter (as defined in section 1112(a)), shall  
14 be imprisoned for not more than 3 years, fined  
15 under this title, or both;

16 “(2) kidnaps any person, shall be imprisoned  
17 for any term of years or for life, fined under this  
18 title, or both;

19 “(3) assaults any person with a deadly weapon,  
20 shall be imprisoned for not more than 30 years,  
21 fined under this title, or both;

22 “(4) assaults any person in which serious bodily  
23 injury results therefrom, shall be imprisoned for not  
24 more than 30 years, fined under this title, or both;

1           “(5) creates a substantial risk of serious bodily  
2 injury to any other person by intentionally destroy-  
3 ing or damaging any structure, conveyance, or other  
4 real or personal property, shall be imprisoned for not  
5 more than 15 years, fined under this title, or both;

6           “(6) attempts or conspires to commit an offense  
7 described under paragraph (1), (2), (3), (4), or (5)  
8 of this subsection, shall be punished in the same  
9 manner as a completed act of such offense; or

10           “(7) threatens to commit an offense described  
11 under paragraph (1), (2), (3), (4), or (5) of this sub-  
12 section, shall be imprisoned for not more than 10  
13 years, fined under this title, or both.

14           “(b) CIRCUMSTANCE DESCRIBED.—A circumstance  
15 described in this subsection is, with respect to an offense  
16 under subsection (a), that—

17           “(1) the offense is committed against any per-  
18 son or property within the United States, and—

19           “(A) the mail or any facility or instrumen-  
20 tality of interstate or foreign commerce is used  
21 in furtherance of the offense;

22           “(B) such property is used in interstate or  
23 foreign commerce or in an activity that affects  
24 interstate or foreign commerce;

1           “(C) any perpetrator travels in or causes  
2 another to travel in interstate or foreign com-  
3 merce in furtherance of the offense; or

4           “(D) the offense, or the results of the of-  
5 fense, affect interstate or foreign commerce, or,  
6 in the case of a threat, attempt, or conspiracy,  
7 would have affected interstate or foreign com-  
8 merce;

9           “(2) the victim, or intended victim, is the  
10 United States Government, a member of the uni-  
11 formed services, or any official, officer, employee, or  
12 agent of the legislative, executive, or judicial  
13 branches, or of any department or agency, of the  
14 United States;

15           “(3) the offense is committed against any prop-  
16 erty that is owned, leased, or used by the United  
17 States or by any department or agency of the United  
18 States, whether the property is within or outside of  
19 the United States; or

20           “(4) the offense is committed against any prop-  
21 erty within the United States that is owned, leased,  
22 or used by a foreign government.”.

23           (b) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 113B of title 18, United States Code, is

1 amended by adding after the item relating to section  
2 2339D the following:

“2339E. Domestic terrorism.”.

3 (c) PROVIDING MATERIAL SUPPORT FOR DOMESTIC  
4 TERRORISTS.—Section 2339A(a) of title 18, United  
5 States Code, is amended by inserting “2339E,” after  
6 “2332f”.

7 **SEC. 2. JOINT REPORT ON DOMESTIC TERRORISM.**

8 (a) ANNUAL REPORT REQUIRED.—Not later than  
9 180 days after the date of enactment of this Act, and each  
10 year thereafter, the Attorney General, the Director of the  
11 Federal Bureau of Investigation, and the Secretary of  
12 Homeland Security shall submit a joint report to—

13 (1) the Committee on the Judiciary of the Sen-  
14 ate;

15 (2) the Committee on Homeland Security and  
16 Governmental Affairs of the Senate;

17 (3) the Committee on the Judiciary of the  
18 House of Representatives; and

19 (4) the Committee on Homeland Security of the  
20 House of Representatives.

21 (b) CONTENTS.—Each report submitted under sub-  
22 section (a) shall include—

23 (1) an assessment of the domestic terrorism  
24 threat, including connections between domestic ex-  
25 tremism and acts of terrorism committed abroad;

1           (2)(A) in the first report, an analysis of inci-  
2           dents or attempted incidents of domestic terrorism  
3           that have occurred in the United States since April  
4           19, 1995, including—

5                     (i) the number of incidents; and

6                     (ii) the number of deaths and injuries re-  
7                     sulting from each incident; and

8           (B) in each subsequent report, an analysis of  
9           incidents or attempted incidents of domestic ter-  
10          rorism that occurred in the United States during the  
11          preceding year, including—

12                    (i) the number of incidents;

13                    (ii) the number of deaths and injuries re-  
14                    sulting from each incident; and

15                    (iii) a detailed explanation of each incident;

16                    and

17          (3) a quantitative analysis of domestic ter-  
18          rorism investigations and prosecutions for the pre-  
19          ceding year, including the number of—

20                    (A) domestic terrorism-related assessments  
21                    and investigations initiated by the Federal Bu-  
22                    reau of Investigation;

23                    (B) domestic terrorism-related assessments  
24                    and investigations closed by the Federal Bureau  
25                    of Investigation;

1           (C) domestic terrorism-related arrests, in-  
2           dictments, and convictions, and a detailed ex-  
3           planation of each case; and

4           (D) domestic terrorism-related weapons re-  
5           coveries, including the number of each type of  
6           weapon and the number of weapons.

7           (c) CLASSIFICATION AND PUBLIC RELEASE.—Each  
8           report submitted under subsection (a) shall be—

9           (1) unclassified, to the greatest extent possible,  
10          with a classified annex only if necessary; and

11          (2) in the case of the unclassified portion of the  
12          report, posted on the public websites of the Depart-  
13          ment of Justice, the Federal Bureau of Investiga-  
14          tion, and the Department of Homeland Security.