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

IN THE SENATE OF THE UNITED STATES

Ms. McSally introduced the following bill; which was read twice and referred to the Committee on ____________________

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

“(1) kills any person—

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

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

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

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

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

“(4) assaults any person in which serious bodily
injury results therefrom, shall be imprisoned for not
more than 30 years, fined under this title, or both;
“(5) creates a substantial risk of serious bodily injury to any other person by intentionally destroying or damaging any structure, conveyance, or other real or personal property, shall be imprisoned for not more than 15 years, fined under this title, or both;

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

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

“(b) Circumstance Described.—A circumstance described in this subsection is, with respect to an offense under subsection (a), that—

“(1) the offense is committed against any person or property within the United States, and—

“(A) the mail or any facility or instrumentality of interstate or foreign commerce is used in furtherance of the offense;

“(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;
“(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

“(D) the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;

“(2) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

“(3) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States; or

“(4) the offense is committed against any property within the United States that is owned, leased, or used by a foreign government.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, is
amended by adding after the item relating to section
2339D the following:

"2339E. Domestic terrorism.".

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

SEC. 2. JOINT REPORT ON DOMESTIC TERRORISM.

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

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

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

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

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

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

(1) an assessment of the domestic terrorism
threat, including connections between domestic ex-
tremism and acts of terrorism committed abroad;
(2)(A) in the first report, an analysis of incidents or attempted incidents of domestic terrorism that have occurred in the United States since April 19, 1995, including—

(i) the number of incidents; and

(ii) the number of deaths and injuries resulting from each incident; and

(B) in each subsequent report, an analysis of incidents or attempted incidents of domestic terrorism that occurred in the United States during the preceding year, including—

(i) the number of incidents;

(ii) the number of deaths and injuries resulting from each incident; and

(iii) a detailed explanation of each incident;

and

(3) a quantitative analysis of domestic terrorism investigations and prosecutions for the preceding year, including the number of—

(A) domestic terrorism-related assessments and investigations initiated by the Federal Bureau of Investigation;

(B) domestic terrorism-related assessments and investigations closed by the Federal Bureau of Investigation;
(C) domestic terrorism-related arrests, indictments, and convictions, and a detailed explanation of each case; and

(D) domestic terrorism-related weapons recoveries, including the number of each type of weapon and the number of weapons.

(e) Classification and Public Release.—Each report submitted under subsection (a) shall be—

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

(2) in the case of the unclassified portion of the report, posted on the public websites of the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security.