

116TH CONGRESS
1ST SESSION

H. R. 4192

To amend title 18, United States Code, to provide for an offense for acts of terrorism occurring in the territorial jurisdiction of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 16, 2019

Mr. SCHIFF introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for an offense for acts of terrorism occurring in the territorial jurisdiction of the United States, 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 “Confronting the Threat
5 of Domestic Terrorism Act”.

1 **SEC. 2. ACTS OF TERRORISM OCCURRING IN THE TERRI-**
2 **TORIAL JURISDICTION OF THE UNITED**
3 **STATES.**

4 (a) IN GENERAL.—Chapter 113B of title 18, United
5 States Code, is amended by inserting after section 2332i
6 the following:

7 **“§ 2332j. Acts of terrorism occurring in the territorial**
8 **jurisdiction of the United States**

9 “(a) PROHIBITED ACTS.—

10 “(1) OFFENSES.—Whoever, in a circumstance
11 described in subsection (b), and with the intent to
12 intimidate or coerce a civilian population, influence
13 the policy of a government by intimidation or coer-
14 cion, or affect the conduct of a government by mass
15 destruction, assassination, or kidnapping—

16 “(A) knowingly kills, kidnaps, maims, com-
17 mits an assault resulting in serious bodily in-
18 jury, or assaults with a dangerous weapon any
19 person within the United States; or

20 “(B) creates a substantial risk of serious
21 bodily injury to any other person by knowingly
22 destroying or damaging any structure, convey-
23 ance, or other real or personal property within
24 the United States or by attempting or con-
25 spiring to destroy or damage any structure,

1 conveyance, or other real or personal property
2 within the United States,
3 in violation of the laws of any State, or the United
4 States, shall be punished under section 2332b(c).

5 “(2) TREATMENT OF THREATS, ATTEMPTS AND
6 CONSPIRACIES.—Whoever threatens to commit an
7 offense under paragraph (1), or attempts or con-
8 spires to do so, shall be punished under section
9 2332b(c).

10 “(b) JURISDICTIONAL BASES.—

11 “(1) CIRCUMSTANCES.—The circumstances re-
12 ferred to in subsection (a) are—

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

16 “(B) the offense obstructs, delays, or af-
17 fects interstate or foreign commerce, or would
18 have so obstructed, delayed, or affected inter-
19 state or foreign commerce if the offense had
20 been consummated;

21 “(C) the offense occurs during the course
22 of, or as a result of, the travel of the defendant
23 or the victim—

24 “(i) across a State line or national
25 border; or

1 “(ii) using a facility of interstate or
2 foreign commerce;

3 “(D) the victim, or intended victim, is the
4 United States Government, a member of the
5 uniformed services, or any official, officer, em-
6 ployee, or agent of the legislative, executive, or
7 judicial branches, or of any department or
8 agency, of the United States;

9 “(E) the structure, conveyance, or other
10 real or personal property is, in whole or in part,
11 owned, possessed, or leased to the United
12 States, or any department or agency of the
13 United States;

14 “(F) in connection with the conduct de-
15 scribed in subsection (a), the defendant employs
16 a firearm, dangerous weapon, weapon of mass
17 destruction, or other weapon that has traveled
18 in interstate or foreign commerce;

19 “(G) the offense is committed in the terri-
20 torial sea (including the airspace above and the
21 seabed and subsoil below, and artificial islands
22 and fixed structures erected thereon) of the
23 United States; or

1 “(H) the offense is committed within the
2 special maritime and territorial jurisdiction of
3 the United States.

4 “(2) CO-CONSPIRATORS AND ACCESSORIES
5 AFTER THE FACT.—Jurisdiction shall exist over all
6 principals and co-conspirators of an offense under
7 this section, and accessories after the fact to any of-
8 fense under this section, if at least one of the cir-
9 cumstances described in subparagraphs (A) through
10 (H) of paragraph (1) is applicable to at least one of-
11 fender.

12 “(c) PROOF REQUIREMENTS.—The following shall
13 apply to prosecutions under this section:

14 “(1) KNOWLEDGE.—The prosecution is not re-
15 quired to prove knowledge by any defendant of a ju-
16 risdictional base alleged in the indictment.

17 “(2) STATE LAW.—In a prosecution under this
18 section that is based upon the adoption of State law,
19 only the elements of the offense under State law,
20 and not any provisions pertaining to criminal proce-
21 dure or evidence, are adopted.

22 “(d) DEFINITIONS.—As used in this section—

23 “(1) the term ‘facility of interstate or foreign
24 commerce’ has the meaning given that term in sec-
25 tion 1958(b)(2);

1 “(2) the term ‘serious bodily injury’ has the
2 meaning given that term in section 1365(h)(3);

3 “(3) the term ‘firearm’ has the meaning given
4 that term in section 921(a)(3);

5 “(4) the term ‘weapon of mass destruction’ has
6 the meaning given that term in section 2332a(c)(2);
7 and

8 “(5) the term ‘territorial sea of the United
9 States’ means all waters extending seaward to 12
10 nautical miles from the baselines of the United
11 States, determined in accordance with international
12 law.

13 “(e) LIMITATION ON PROSECUTION.—No prosecution
14 for any offense described in this section shall be under-
15 taken by the United States except on written certification
16 of the Attorney General or the highest ranking subordi-
17 nate of the Attorney General with responsibility for crimi-
18 nal prosecutions of the offenses in this chapter that, in
19 the judgment of the certifying official, such offense was
20 intended to intimidate or coerce a civilian population, in-
21 fluence the policy of a government by intimidation or coer-
22 cion, or affect the conduct of a government by mass de-
23 struction, assassination, or kidnapping.”.

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

1 amended by inserting after the item relating to section
2 2332i the following:

“2332j. Acts of terrorism occurring in the territorial jurisdiction of the United States.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) FEDERAL CRIME OF TERRORISM.—Section
5 2332b(g)(5) of title 18, United States Code, is
6 amended by inserting after “2332i (relating to acts
7 of nuclear terrorism),” the following: “2332j (relat-
8 ing to acts of terrorism occurring in the territorial
9 jurisdiction of the United States),”.

10 (2) PROVIDING MATERIAL SUPPORT TO TER-
11 RORISTS.—Section 2339A(a) of title 18, United
12 States Code, is amended by inserting after “2332f,”
13 the following: “2332j,”.

14 (d) PENALTY CLARIFICATION.—Section
15 2332b(c)(1)(E) of title 18, United States Code, is amend-
16 ed by inserting after “for” the following: “creating a sub-
17 stantial risk of serious bodily injury to any other person
18 by”.

19 (e) REPORT ON CIVIL LIBERTIES.—

20 (1) IN GENERAL.—Not later than 4 years after
21 the date of the enactment of this Act, the Privacy
22 and Civil Liberties Oversight Board established by
23 section 1061 of the Intelligence Reform and Ter-
24 rorism Prevention Act of 2004 (42 U.S.C. 2000ee)

1 shall make publicly available a report on any civil
2 liberties issues arising from the implementation of
3 section 2332j of title 18, United States Code, as
4 added by subsection (a), including with respect to
5 both the investigation and the prosecution of of-
6 fenses under such section.

7 (2) CONSULTATION.—In determining the scope
8 of the report under paragraph (1), the chair of the
9 Privacy and Civil Liberties Oversight Board shall
10 consult with the chairs and ranking members of the
11 following committees:

12 (A) The Committee on the Judiciary, the
13 Committee on Homeland Security, and the Per-
14 manent Select Committee on Intelligence of the
15 House of Representatives.

16 (B) The Committee on the Judiciary, the
17 Committee on Homeland Security and Govern-
18 mental Affairs, and the Select Committee on
19 Intelligence of the Senate.

20 (3) FORM.—The report under paragraph (1)
21 shall be in unclassified form.

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