

112TH CONGRESS  
2D SESSION

# H. R. 5144

To amend title 10, United States Code, to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack perpetrated within the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. KING of New York (for himself, Mr. CUELLAR, Mr. ROGERS of Alabama, Ms. HAHN, Mr. McCAUL, Ms. RICHARDSON, Mrs. MILLER of Michigan, Mr. CRAVAACK, Mr. TURNER of New York, Mr. ROSS of Arkansas, Mr. GRIFFIN of Arkansas, and Mr. CARTER) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack perpetrated within the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AWARD OF PURPLE HEART TO MEMBERS OF**  
2 **THE ARMED FORCES KILLED OR WOUNDED**  
3 **IN TERRORIST ATTACKS WITHIN THE UNITED**  
4 **STATES.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The Final Report of the National Commis-  
8 sion on Terrorist Attacks Upon the United States  
9 (commonly known as the “9/11 Commission Re-  
10 port”) recognizes that there is a certain ideology  
11 that gives rise to terrorism.

12 (2) This ideology, which gives rise to terrorism,  
13 can even influence citizens and residents of the  
14 United States to perpetrate attacks within the  
15 United States against members of the Armed  
16 Forces.

17 (3) Two such attacks have already occurred  
18 within the United States, one at a recruiting station  
19 in Little Rock, Arkansas, on June 1, 2009, and one  
20 at Fort Hood, Texas, on November 5, 2009.

21 (4) According to investigative reports released  
22 by the Committee on Homeland Security of the  
23 House of Representatives and the Committee on  
24 Homeland Security and Governmental Affairs of the  
25 Senate at least 34 threats, plots and strikes related  
26 to domestic terrorism against United States military

1 communities have been uncovered since September  
2 11, 2001.

3 (5) These threats, plots and attacks dem-  
4 onstrate that members of the Armed Forces are at  
5 risk of terrorist attack not only when deployed over-  
6 seas but also while stationed within the United  
7 States.

8 (6) The Department of Defense has recognized  
9 the threat posed by terrorist attacks, including those  
10 perpetrated by a member of the Armed Forces, by  
11 issuing revised regulations, including Army Regula-  
12 tion 381–12 regarding the Military Intelligence  
13 Threat Awareness and Reporting Program, to re-  
14 quire reporting of potential terrorist insider threat  
15 activity, to include if a member of the Armed Forces  
16 is “advocating the use of unlawful violence or force  
17 to achieve goals that are political, religious, or ideo-  
18 logical in nature”.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that the Secretary of Defense (and the Secretary of  
21 Homeland Security with respect to the Coast Guard)  
22 should duly honor those members of the Armed Forces  
23 who are killed or wounded in terrorist attacks within the  
24 United States that are inspired by the ideology that gives  
25 rise to terrorism, as defined by the Final Report of the

1 National Commission on Terrorist Attacks Upon the  
2 United States (commonly known as the “9/11 Commission  
3 Report”).

4 (c) AWARD OF PURPLE HEART.—

5 (1) AWARD REQUIRED.—Chapter 57 of title 10,  
6 United States Code, is amended by inserting after  
7 section 1129 the following new section:

8 **“§ 1129a. Purple Heart: members killed or wounded**  
9 **by terrorist attacks perpetrated within**  
10 **the United States**

11 “(a) For purposes of the award of the Purple Heart,  
12 the Secretary concerned shall treat a member of the armed  
13 forces described in subsection (b) in the same manner as  
14 a member who is killed or wounded in action as the result  
15 of an act of the enemy of the United States.

16 “(b)(1) A member of the armed forces described in  
17 this subsection is a member who the Secretary concerned  
18 determines was killed or wounded in a terrorist attack  
19 within the United States perpetrated by an individual or  
20 individuals expressing a political, religious or ideological  
21 obligation to engage in unlawful violence directed against  
22 United States military operations or foreign policy, as de-  
23 scribed in Army Regulation 318–12 of October 2010 re-  
24 garding the Military Intelligence Threat Awareness and  
25 Reporting Program.

1       “(2) In this subsection, the term ‘terrorist attack’  
2 means the calculated use of unlawful violence or the threat  
3 of unlawful violence to inculcate fear and coerce or intimi-  
4 date governments or societies in the pursuit of goals that  
5 are generally political, religious or ideological.

6       “(3) If a terrorist attack referred to in paragraph (1)  
7 includes, as victims, members of more than one armed  
8 force, the determination required by such paragraph shall  
9 be made jointly by the Secretaries of the armed forces con-  
10 cerned.

11       “(c) In implementing this section, the Secretary con-  
12 cerned shall make no distinction between ‘international  
13 terrorism’ and ‘domestic terrorism’, as those terms are de-  
14 fined in section 2331 of title 18.

15       “(d) Subsection (a) shall not apply to a member of  
16 the armed forces whose death or wounding is the result  
17 of the willful misconduct of the member.

18       “(e) Nothing in this section shall be interpreted—

19               “(1) to affect the designation of any individual  
20 alleged to have perpetrated an attack referred to in  
21 subsection (b)(1) as an enemy combatant for any  
22 purposes under law; or

23               “(2) to preempt or otherwise affect any legal  
24 proceedings relating to such an attack.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of such chapter is amended  
3           by inserting after the item relating to section 1129  
4           the following new item:

“1129a. Purple Heart: members killed or wounded by terrorist attacks per-  
petrated within the United States.”.

5           (3) RETROACTIVE EFFECTIVE DATE AND APPLI-  
6           CATION.—

7           (A) EFFECTIVE DATE.—The amendments  
8           made by this subsection shall take effect as of  
9           January 1, 2009.

10          (B) REVIEW OF CERTAIN PREVIOUS INCI-  
11          DENTS.—The Secretaries of the military de-  
12          partments (and the Secretary of Homeland Se-  
13          curity with respect to the Coast Guard) shall  
14          undertake a review of each death or wounding  
15          of a member of the Armed Forces that occurred  
16          within the United States between January 1,  
17          2009, and the date of the enactment of this Act  
18          under circumstances that could qualify the  
19          death or wounding as being the result of a ter-  
20          rorist attack within the United States to deter-  
21          mine whether the death or wounding does qual-  
22          ify as a death or wounding resulting from a ter-  
23          rorist attack within the United States for pur-

1 poses of section 1129a of title 10, United  
2 States Code, as added by this subsection.

3 (C) ACTIONS FOLLOWING REVIEW.—If the  
4 death or wounding of a member of the Armed  
5 Forces reviewed under subparagraph (B) is de-  
6 termined to qualify as a death or wounding re-  
7 sulting from a terrorist attack within the  
8 United States for purposes of such section  
9 1129a, the Secretary of the military department  
10 concerned (or the Secretary of Homeland Secu-  
11 rity with respect to a member of the Coast  
12 Guard) shall take appropriate action under  
13 such section to award the Purple Heart to the  
14 member.

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