

118TH CONGRESS
2D SESSION

S. 5398

AN ACT

To authorize sentencing enhancements for certain criminal offenses directed by or coordinated with foreign governments.

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. SHORT TITLE.**

2 This Act may be cited as the “Deterring External
3 Threats and Ensuring Robust Responses to Egregious and
4 Nefarious Criminal Endeavors Act” or the “DETER-
5 RENCE Act”.

6 **SEC. 2. KIDNAPPING.**

7 Section 1201 of title 18, United States Code, is
8 amended—

9 (1) by redesignating subsection (h) as sub-
10 section (i);

11 (2) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) SENTENCE ENHANCEMENTS FOR OFFENSES DI-
14 RECTED BY OR COORDINATED WITH FOREIGN GOVERN-
15 MENTS.—

16 “(1) IN GENERAL.—The sentence of a person
17 convicted of an offense under subsection (a) may be
18 increased by up to 10 years if such offense was com-
19 mitted knowingly at the direction of or in coordina-
20 tion with a foreign government or an agent of a for-
21 eign government.

22 “(2) CONSPIRACY.—The sentence of a person
23 convicted of conspiring to commit a violation of sub-
24 section (a) as part of a conspiracy under the ele-
25 ments specified in subsection (c) may be increased
26 by up to 10 years if—

1 “(A) 1 or more of the persons involved in
2 such conspiracy were knowingly acting in co-
3 ordination with a foreign government or an
4 agent of a foreign government; and

5 “(B) the person convicted of conspiring to
6 commit a violation of subsection (a) knew that
7 1 or more of the persons involved in such con-
8 spiracy were knowingly acting in coordination
9 with a foreign government or an agent of a for-
10 eign government.

11 “(3) ATTEMPT.—The sentence of a person con-
12 victed of an attempt to violate subsection (a) may be
13 increased by up to 5 years if such attempt was
14 knowingly at the direction of or in coordination with
15 a foreign government or an agent of a foreign gov-
16 ernment.”; and

17 (3) in subsection (i), as so designated, by in-
18 serting “DEFINITION.—” before “As used in this
19 section”.

20 **SEC. 3. USE OF INTERSTATE COMMERCE FACILITIES IN**
21 **THE COMMISSION OF MURDER-FOR-HIRE.**

22 (a) IN GENERAL.—Section 1958 of title 18, United
23 States Code, is amended—

24 (1) by redesignating subsection (b) as sub-
25 section (c);

1 (2) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) SENTENCE ENHANCEMENTS FOR OFFENSES DI-
4 RECTED BY OR COORDINATED WITH FOREIGN GOVERN-
5 MENTS.—The sentence of a person convicted of an offense
6 under subsection (a)—

7 “(1) may be increased by up to 5 years, if such
8 offense was committed knowingly at the direction of
9 or in coordination with a foreign government or an
10 agent of a foreign government; and

11 “(2) may be increased by up to 10 years—

12 “(A) if such offense was committed know-
13 ingly at the direction of or in coordination with
14 a foreign government or an agent of a foreign
15 government; and

16 “(B) personal injury results.”; and

17 (3) in subsection (c), as so redesignated, by in-
18 serting “DEFINITIONS.—” before “As used in this
19 section”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 2332b(g)(2) of title 18, United
22 States Code, is amended by striking “section
23 1958(b)(2)” and inserting “section 1958”.

24 (2) Section 1010A(d) of the Controlled Sub-
25 stances Import and Export Act (21 U.S.C. 960a(d))

1 is amended by striking “section 1958(b)(1)” and in-
2 serting “section 1958”.

3 **SEC. 4. INFLUENCING, IMPEDING, OR RETALIATING**
4 **AGAINST A FEDERAL OFFICIAL BY THREAT-**
5 **ENING OR INJURING A FAMILY MEMBER.**

6 Section 115(b) of title 18, United States Code, is
7 amended by adding at the end the following:

8 “(5) The sentence of a person convicted of an
9 offense under subsection (a), if such offense was
10 committed knowingly at the direction of or in coordi-
11 nation with a foreign government or an agent of a
12 foreign government—

13 “(A) may be increased by up to 5 years if
14 the offense committed was an assault involving
15 physical contact with the victim of that assault
16 or the intent to commit another felony;

17 “(B) may be increased by up to 10 years
18 if—

19 “(i) the offense committed was an as-
20 sault resulting in bodily injury (including
21 serious bodily injury (as that term is de-
22 fined in section 1365 of this title));

23 “(ii) the offense involved any conduct
24 that, if the conduct occurred in the special
25 maritime and territorial jurisdiction of the

1 United States, would violate section 2241
2 or 2242 of this title; or

3 “(iii) a dangerous weapon was used
4 during and in relation to the offense; and

5 “(C) may be increased by up to 10 years
6 if the offense committed was a murder, at-
7 tempted murder, or conspiracy to murder.”.

8 **SEC. 5. STALKING.**

9 Section 2261A of title 18, United States Code, is
10 amended—

11 (1) by striking “Whoever—” and inserting “(a)
12 IN GENERAL.—Except as provided in subsection (b),
13 whoever—”; and

14 (2) by adding at the end the following:

15 “(b) ENHANCED PENALTIES FOR OFFENSES IN-
16 VOLVING FOREIGN GOVERNMENTS.—The sentence of a
17 person convicted of an offense under paragraph (1) or (2)
18 of subsection (a), if such offense was committed knowingly
19 at the direction of or in coordination with a foreign gov-
20 ernment or an agent of a foreign government—

21 “(1) may be increased by up to 5 years if—

22 “(A) serious bodily injury (including per-
23 manent disfigurement or life threatening bodily
24 injury) to the victim results;

1 “(B) the offender uses a dangerous weap-
2 on during the offense; or

3 “(C) the victim of the offense is under the
4 age of 18 years;

5 “(2) may be increased by up to 10 years if
6 death of the victim results; and

7 “(3) may be increased by up to 30 months in
8 any other case.”.

9 **SEC. 6. PROTECTION OF OFFICERS AND EMPLOYEES OF**
10 **THE UNITED STATES.**

11 Section 1114 of title 18, United States Code, is
12 amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) SENTENCE ENHANCEMENTS FOR OFFENSES DI-
18 RECTED BY OR COORDINATED WITH FOREIGN GOVERN-
19 MENTS.—The sentence of a person convicted of an offense
20 under subsection (a) may be increased by up to 10 years
21 if such offense was committed knowingly at the direction
22 of or in coordination with a foreign government or an
23 agent of a foreign government.”.

1 **SEC. 7. PRESIDENTIAL AND PRESIDENTIAL STAFF ASSAS-**
2 **SINATION, KIDNAPPING, AND ASSAULT.**

3 Section 1751 of title 18, United States Code, is
4 amended—

5 (1) by redesignating subsections (f) through (k)
6 as subsections (g) through (i), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f)(1) The sentence of a person convicted of an of-
10 fense under subsection (a), (b), or (c) may be increased
11 by up to 10 years if such offense was committed knowingly
12 at the direction of or in coordination with a foreign gov-
13 ernment or an agent of a foreign government.

14 “(2) The sentence of a person convicted of conspiring
15 to kill or kidnap any individual designated in subsection
16 (a) as part of a conspiracy under the elements specified
17 in subsection (d) may be increased by up to 10 years if—

18 “(A) 1 or more of the persons involved in such
19 conspiracy were knowingly acting in coordination
20 with a foreign government or an agent of a foreign
21 government; and

22 “(B) the person convicted of conspiring to kill
23 or kidnap an individual designated in subsection (a)
24 knew that 1 or more of the persons involved in such
25 conspiracy were knowingly acting in coordination

1 with a foreign government or an agent of a foreign
2 government.

3 “(3) The sentence of a person convicted of an offense
4 under subsection (e) may be increased by up to 10 years
5 if—

6 “(A) the victim was any person designated in
7 subsection (a)(1); and

8 “(B) such offense was committed knowingly at
9 the direction of or in coordination with a foreign
10 government or an agent of a foreign government.

11 “(4) The sentence of a person convicted of an offense
12 under subsection (e) may be increased by up to 10 years
13 if—

14 “(A) the victim was any person designated in
15 subsection (a)(2); and

16 “(B) such offense was committed knowingly at
17 the direction of or in coordination with a foreign
18 government or an agent of a foreign government.

19 “(5) The sentence of a person convicted of an offense
20 under subsection (e) may be increased by up to 10 years
21 if—

22 “(A)(i) the offense involved the use of a dan-
23 gerous weapon; or

24 “(ii) personal injury resulted; and

1 “(B) such offense was committed knowingly at
2 the direction of or in coordination with a foreign
3 government or an agent of a foreign government.”.

 Passed the Senate December 17 (legislative day, December 16), 2024.

Attest:

Secretary.

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