

118TH CONGRESS  
2D SESSION

# S. 5398

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2024

Ms. HASSAN (for herself and Ms. ERNST) introduced the following bill; which  
was read twice and referred to the Committee on the Judiciary

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

8 **SEC. 2. KIDNAPPING.**

9 Section 1201 of title 18, United States Code, is  
10 amended—

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

3           (2) by inserting after subsection (g) the fol-  
4           lowing:

5           “(h) SENTENCE ENHANCEMENTS FOR OFFENSES DI-  
6           RECTED BY OR COORDINATED WITH FOREIGN GOVERN-  
7           MENTS.—

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

14          “(2) CONSPIRACY.—The sentence of a person  
15          convicted of conspiring to commit a violation of sub-  
16          section (a) as part of a conspiracy under the ele-  
17          ments specified in subsection (c) may be increased  
18          by up to 10 years if—

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

23                 “(B) the person convicted of conspiring to  
24                 commit a violation of subsection (a) knew that  
25                 1 or more of the persons involved in such con-

1           spiracy were knowingly acting in coordination  
2           with a foreign government or an agent of a for-  
3           eign government.

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

10           (3) in subsection (i), as so designated, by in-  
11           serting “DEFINITION.—” before “As used in this  
12           section”.

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

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

17           (1) by redesignating subsection (b) as sub-  
18           section (c);

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

21           “(b) SENTENCE ENHANCEMENTS FOR OFFENSES DI-  
22           RECTED BY OR COORDINATED WITH FOREIGN GOVERN-  
23           MENTS.—The sentence of a person convicted of an offense  
24           under subsection (a)—

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

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

6           “(A) if such offense was committed know-  
7 ingly at the direction of or in coordination with  
8 a foreign government or an agent of a foreign  
9 government; and

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

11           (3) in subsection (c), as so redesignated, by in-  
12 serting “DEFINITIONS.—” before “As used in this  
13 section”.

14           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15           (1) Section 2332b(g)(2) of title 18, United  
16 States Code, is amended by striking “section  
17 1958(b)(2)” and inserting “section 1958”.

18           (2) Section 1010A(d) of the Controlled Sub-  
19 stances Import and Export Act (21 U.S.C. 960a(d))  
20 is amended by striking “section 1958(b)(1)” and in-  
21 serting “section 1958”.

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

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

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

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

15 “(B) may be increased by up to 10 years  
16 if—

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

21 “(ii) the offense involved any conduct  
22 that, if the conduct occurred in the special  
23 maritime and territorial jurisdiction of the  
24 United States, would violate section 2241  
25 or 2242 of this title; or

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

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

6 **SEC. 5. STALKING.**

7           Section 2261A of title 18, United States Code, is  
8 amended—

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

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

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

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

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

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

1           “(C) the victim of the offense is under the  
2           age of 18 years;

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

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

7 **SEC. 6. PROTECTION OF OFFICERS AND EMPLOYEES OF**  
8 **THE UNITED STATES.**

9           Section 1114 of title 18, United States Code, is  
10 amended—

11           (1) by redesignating subsection (b) as sub-  
12           section (c); and

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

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

22 **SEC. 7. PRESIDENTIAL AND PRESIDENTIAL STAFF ASSAS-**  
23 **SINATION, KIDNAPPING, AND ASSAULT.**

24           Section 1751 of title 18, United States Code, is  
25 amended—

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

3           (2) by inserting after subsection (e) the fol-  
4           lowing:

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

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

14                 “(A) 1 or more of the persons involved in such  
15                 conspiracy were knowingly acting in coordination  
16                 with a foreign government or an agent of a foreign  
17                 government; and

18                 “(B) the person convicted of conspiring to kill  
19                 or kidnap an individual designated in subsection (a)  
20                 knew that 1 or more of the persons involved in such  
21                 conspiracy were knowingly acting in coordination  
22                 with a foreign government or an agent of a foreign  
23                 government.



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

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

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

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

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

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

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

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

22           “(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.”.

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