

**AMENDMENT TO H.R. 4310**  
**OFFERED BY MR. KING OF NEW YORK**

At the end of subtitle F of title V, add the following  
new section:

1 **SEC. 5 \_\_\_\_ . 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

1 in Little Rock, Arkansas, on June 1, 2009, and one  
2 at Fort Hood, Texas, on November 5, 2009.

3 (4) According to investigative reports released  
4 by the Committee on Homeland Security of the  
5 House of Representatives and the Committee on  
6 Homeland Security and Governmental Affairs of the  
7 Senate at least 36 threats, plots and strikes related  
8 to domestic terrorism against United States military  
9 communities have been uncovered since September  
10 11, 2001.

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

16 (b) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that the Secretary of Defense (and the Commandant  
18 of the Coast Guard on behalf of the President with respect  
19 to the Coast Guard) should duly honor those members of  
20 the Armed Forces who are killed or wounded in terrorist  
21 attacks within the United States that are inspired by the  
22 ideology that gives rise to terrorism, as defined by the  
23 Final Report of the National Commission on Terrorist At-  
24 tacks Upon the United States (commonly known as the  
25 “9/11 Commission Report”).

1 (c) AWARD OF PURPLE HEART.—

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

5 **“§ 1129a. Purple Heart: members killed or wounded**  
6 **by terrorist attacks perpetrated within**  
7 **the United States**

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

13 “(b)(1) A member of the armed forces described in  
14 this subsection is a member who the Secretary of Home-  
15 land Security determines was killed or wounded in a ter-  
16 rorist attack within the United States perpetrated by an  
17 individual or individuals expressing a political, religious,  
18 or ideological obligation to engage in unlawful violence di-  
19 rected against United States military operations or foreign  
20 policy.

21 “(2) In this subsection, the term ‘terrorist attack’  
22 means activities that—

23 “(A) involve violent acts or acts dangerous to  
24 human life that are a violation of the criminal laws  
25 of the United States or of any State, or that would

1 be a criminal violation if committed within the juris-  
2 diction of the United States or of any State;

3 “(B) appear to be intended—

4 “(i) to intimidate or coerce a civilian popu-  
5 lation;

6 “(ii) to influence the policy of a govern-  
7 ment by intimidation or coercion; or

8 “(iii) to affect the conduct of a government  
9 by mass destruction, assassination, or kidnap-  
10 ping.

11 “(3) The determination by the Secretary of Home-  
12 land Security that a member of the armed forces is killed  
13 or wounded as a result of a terrorist attack is solely for  
14 the purpose of determining eligibility for the awarding of  
15 the Purple Heart and shall be made without regard to  
16 pending or anticipated Federal or State criminal prosecu-  
17 tion of the offense upon which the determination is made.

18 “(c) In implementing this section, the Secretary of  
19 Homeland Security shall make no distinction between  
20 ‘international terrorism’ and ‘domestic terrorism’, as those  
21 terms are defined in section 2331 of title 18.

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

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

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

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

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

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

11          (3) RETROACTIVE EFFECTIVE DATE AND APPLI-  
12          CATION.—

13                 (A) EFFECTIVE DATE.—The amendments  
14                 made by this subsection shall take effect as of  
15                 January 1, 2009.

16                 (B) REVIEW OF CERTAIN PREVIOUS INCI-  
17                 DENTS.—The Secretary of Defense shall pro-  
18                 vide the Secretary of Homeland Security the  
19                 pertinent information necessary to undertake a  
20                 review of each death or wounding of a member  
21                 of the Armed Forces that occurred between  
22                 January 1, 2009, and the date of the enact-  
23                 ment of this Act under circumstances that  
24                 could qualify the death or wounding as being

1 the result of a terrorist attack so that the Sec-  
2 retary of Homeland Security can make a deter-  
3 mination whether the death or wounding of the  
4 member qualifies as a death or wounding re-  
5 sulting from a terrorist attack for purposes of  
6 section 1129a of title 10, United States Code,  
7 as added by this subsection.

8 (C) RESPONSIBILITY FOR DETERMINA-  
9 TION.—The Secretary of Homeland Security  
10 shall be responsible for making the determina-  
11 tion of whether a member of the Armed Forces  
12 who is wounded or killed is a victim of a ter-  
13 rorist attack (as defined in section 1129a of  
14 title 10, United States Code).

15 (D) ACTIONS FOLLOWING REVIEW.—If the  
16 death or wounding of a member of the Armed  
17 Forces reviewed under this paragraph is deter-  
18 mined to qualify as a death or wounding result-  
19 ing from a terrorist attack within the United  
20 States for purposes of section 1129a of title 10,  
21 United States Code, the Secretary of Defense  
22 (or the Commandant of the Coast Guard on be-  
23 half of the President with respect to a member  
24 of the Coast Guard) shall take appropriate ac-

- 1 tion under such section to award the Purple
- 2 Heart to the member.

