

Calendar No. 86109TH CONGRESS
1ST SESSION**S. 378**

To make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2005

Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, Mr. ALLEN, Mr. CORNYN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 21, 2005

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Crime and
3 Terrorism at America’s Seaports Act of 2005”.

4 **SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.**

5 (a) **IN GENERAL.**—Section 1036 of title 18, United
6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2), by striking “or” at
9 the end;

10 (B) by redesignating paragraph (3) as
11 paragraph (4); and

12 (C) by inserting after paragraph (2) the
13 following:

14 “(3) any secure or restricted area (as that term
15 is defined under section 2285(c)) of any seaport;
16 or”;

17 (2) in subsection (b)(1), by striking “5” and in-
18 serting “10”;

19 (3) in subsection (c)(1), by inserting “, captain
20 of the seaport,” after “airport authority”; and

21 (4) in the section heading, by inserting “or sea-
22 port” after “airport”.

23 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

24 The table of sections for chapter 47 of title 18 is amended
25 by striking the matter relating to section 1036 and insert-
26 ing the following:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.”.

1 (c) DEFINITION OF SEAPORT.—Chapter 1 of title 18,
2 United States Code, is amended by adding at the end the
3 following:

4 **“§ 25. Definition of seaport**

5 “As used in this title, the term ‘seaport’ means all
6 piers, wharves, docks, and similar structures to which a
7 vessel may be secured, areas of land, water, or land and
8 water under and in immediate proximity to such struc-
9 tures, and buildings on or contiguous to such structures,
10 and the equipment and materials on such structures or
11 in such buildings.”.

12 (d) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for chapter 1 of title 18 is amended
14 by inserting after the matter relating to section 24 the
15 following:

“25. Definition of seaport.”.

16 **SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO,**
17 **OBSTRUCTION OF BOARDING, OR PROVIDING**
18 **FALSE INFORMATION.**

19 (a) OFFENSE.—Chapter 109 of title 18, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

1 **“§ 2237. Criminal sanctions for failure to heave to, ob-**
2 **struction of boarding, or providing false**
3 **information**

4 “(a)(1) It shall be unlawful for the master, operator,
5 or person in charge of a vessel of the United States, or
6 a vessel subject to the jurisdiction of the United States,
7 to knowingly fail to obey an order by an authorized Fed-
8 eral law enforcement officer to heave to that vessel.

9 “(2) It shall be unlawful for any person on board a
10 vessel of the United States, or a vessel subject to the juris-
11 diction of the United States, to—

12 “(A) forcibly resist, oppose, prevent, impede, in-
13 timidate, or interfere with a boarding or other law
14 enforcement action authorized by any Federal law,
15 or to resist a lawful arrest; or

16 “(B) provide information to a Federal law en-
17 forcement officer during a boarding of a vessel re-
18 garding the vessel’s destination, origin, ownership,
19 registration, nationality, cargo, or crew, which that
20 person knows is false.

21 “(b) This section does not limit the authority of a
22 customs officer under section 581 of the Tariff Act of
23 1930 (19 U.S.C. 1581), or any other provision of law en-
24 forced or administered by the Secretary of the Treasury
25 or the Undersecretary for Border and Transportation Se-
26 curity of the Department of Homeland Security, or the

1 authority of any Federal law enforcement officer under
2 any law of the United States, to order a vessel to stop
3 or heave to.

4 “(c) A foreign nation may consent or waive objection
5 to the enforcement of United States law by the United
6 States under this section by radio, telephone, or similar
7 oral or electronic means. Consent or waiver may be proven
8 by certification of the Secretary of State or the designee
9 of the Secretary of State.

10 “(d) In this section—

11 “(1) the term ‘Federal law enforcement officer’
12 has the meaning given the term in section 115(c);

13 “(2) the term ‘heave to’ means to cause a vessel
14 to slow, come to a stop, or adjust its course or speed
15 to account for the weather conditions and sea state
16 to facilitate a law enforcement boarding;

17 “(3) the term ‘vessel subject to the jurisdiction
18 of the United States’ has the meaning given the
19 term in section 2(e) of the Maritime Drug Law En-
20 forcement Act (46 App. U.S.C. 1903(b)); and

21 “(4) the term ‘vessel of the United States’ has
22 the meaning given the term in section 2(e) of the
23 Maritime Drug Law Enforcement Act (46 App.
24 U.S.C. 1903(b)).

1 “(e) Any person who intentionally violates the provi-
2 sions of this section shall be fined under this title, impris-
3 oned for not more than 5 years, or both.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for chapter 109, title 18, United
6 States Code, is amended by inserting after the item for
7 section 2236 the following:

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or
providing false information.”.

8 **SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON**
9 **A PASSENGER VESSEL.**

10 Section 1993 of title 18, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “, pas-
14 senger vessel,” after “transportation vehicle”;

15 (B) in paragraph (2)—

16 (i) by inserting “, passenger vessel,”
17 after “transportation vehicle”; and

18 (ii) by inserting “or owner of the pas-
19 senger vessel” after “transportation pro-
20 vider” each place that term appears;

21 (C) in paragraph (3)—

22 (i) by inserting “, passenger vessel,”
23 after “transportation vehicle” each place
24 that term appears; and

1 (ii) by inserting “or owner of the pas-
 2 senger vessel” after “transportation pro-
 3 vider” each place that term appears;

4 (D) in paragraph (5)—

5 (i) by inserting “, passenger vessel,”
 6 after “transportation vehicle”; and

7 (ii) by inserting “or owner of the pas-
 8 senger vessel” after “transportation pro-
 9 vider”; and

10 (E) in paragraph (6), by inserting “or
 11 owner of a passenger vessel” after “transpor-
 12 tation provider” each place that term appears;

13 (2) in subsection (b)(1), by inserting “, pas-
 14 senger vessel,” after “transportation vehicle”; and

15 (3) in subsection (c)—

16 (A) by redesignating paragraph (6)
 17 through (8) as paragraphs (7) through (9); and

18 (B) by inserting after paragraph (5) the
 19 following:

20 “(6) the term ‘passenger vessel’ has the mean-
 21 ing given that term in section 2101(22) of title 46,
 22 United States Code, and includes a small passenger
 23 vessel, as that term is defined under section
 24 2101(35) of that title.”.

1 **SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
 2 **MARITIME NAVIGATION, PLACEMENT OF DE-**
 3 **STRUCTIVE DEVICES, AND MALICIOUS DUMP-**
 4 **ING.**

5 (a) **VIOLENCE AGAINST MARITIME NAVIGATION.**—

6 Section 2280(a) of title 18, United States Code, is amend-
 7 ed—

8 (1) in paragraph (1)—

9 (A) in subparagraph (H), by striking
 10 “(G)” and inserting “(H)”;

11 (B) by redesignating subparagraphs (F),
 12 (G), and (H) as subparagraphs (G), (H), and
 13 (I), respectively; and

14 (C) by inserting after subparagraph (E)
 15 the following:

16 “(F) destroys, seriously damages, alters,
 17 moves, or tampers with any aid to maritime
 18 navigation maintained by the Saint Lawrence
 19 Seaway Development Corporation under the au-
 20 thority of section 4 of the Act of May 13, 1954
 21 (33 U.S.C. 984), by the Coast Guard pursuant
 22 to section 81 of title 14, United States Code, or
 23 lawfully maintained under authority granted by
 24 the Coast Guard pursuant to section 83 of title
 25 14, United States Code, if such act endangers

1 or is likely to endanger the safe navigation of
2 a ship;"; and

3 ~~(2)~~ in paragraph ~~(2)~~ by striking "~~(C)~~ or ~~(E)~~"
4 and inserting "~~(C)~~, ~~(E)~~, or ~~(F)~~".

5 (b) PLACEMENT OF DESTRUCTIVE DEVICES.—

6 (1) IN GENERAL.—Chapter 111 of title 18,
7 United States Code, is amended by adding after sec-
8 tion 2280 the following:

9 **"§ 2280A. Devices or substances in waters of the**
10 **United States likely to destroy or damage**
11 **ships or to interfere with maritime com-**
12 **merce**

13 "(a) A person who knowingly places, or causes to be
14 placed, in navigable waters of the United States, by any
15 means, a device or substance which is likely to destroy or
16 cause damage to a vessel or its cargo, or cause interference
17 with the safe navigation of vessels, or interference with
18 maritime commerce, such as by damaging or destroying
19 marine terminals, facilities, and any other marine struc-
20 ture or entity used in maritime commerce, with the intent
21 of causing such destruction or damage, or interference
22 with the safe navigation of vessels or with maritime com-
23 merce, shall be fined under this title, imprisoned for any
24 term of years or for life, or both; and if the death of any

1 person results from conduct prohibited under this sub-
 2 section, may be punished by death.

3 “(b) Nothing in this section shall be construed to
 4 apply to otherwise lawfully authorized and conducted ac-
 5 tivities of the United States Government.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
 7 MENT.—The table of sections for chapter 111 of
 8 title 18, United States Code, is amended by adding
 9 after the item related to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy
 or damage ships or to interfere with maritime commerce.”.

10 (c) MALICIOUS DUMPING.—

11 (1) IN GENERAL.—Chapter 111 of title 18,
 12 United States Code, is amended by adding at the
 13 end the following:

14 “§ 2282. **Knowing discharge or release**

15 “(a) ENDANGERMENT OF HUMAN LIFE.—Any per-
 16 son who knowingly discharges or releases oil, a hazardous
 17 material, a noxious liquid substance, or any other dan-
 18 gerous substance into the navigable waters of the United
 19 States or the adjoining shoreline with the intent to endan-
 20 ger human life, health, or welfare shall be fined under this
 21 title and imprisoned for any term of years or for life.

22 “(b) ENDANGERMENT OF MARINE ENVIRONMENT.—
 23 Any person who knowingly discharges or releases oil, a
 24 hazardous material, a noxious liquid substance, or any

1 other dangerous substance into the navigable waters of the
2 United States or the adjacent shoreline with the intent
3 to endanger the marine environment shall be fined under
4 this title, imprisoned not more than 30 years, or both.

5 “(e) DEFINITIONS.—In this section:

6 “(1) DISCHARGE.—The term ‘discharge’ means
7 any spilling, leaking, pumping, pouring, emitting,
8 emptying, or dumping:

9 “(2) HAZARDOUS MATERIAL.—The term ‘haz-
10 arduous material’ has the meaning given the term in
11 section 2101(14) of title 46, United States Code.

12 “(3) MARINE ENVIRONMENT.—The term ‘ma-
13 rine environment’ has the meaning given the term in
14 section 2101(15) of title 46, United States Code.

15 “(4) NAVIGABLE WATERS.—The term ‘navi-
16 gable waters’ has the meaning given the term in sec-
17 tion 1362(7) of title 33, and also includes the terri-
18 torial sea of the United States as described in Presi-
19 dential Proclamation 5928 of December 27, 1988.

20 “(5) NOXIOUS LIQUID SUBSTANCE.—The term
21 ‘noxious liquid substance’ has the meaning given the
22 term in the MARPOL Protocol defined in section
23 2(1) of the Act to Prevent Pollution from Ships (33
24 U.S.C. 1901(a)(3)).

1 (2) TECHNICAL AND CONFORMING AMEND-
 2 MENT.—The table of sections for chapter 111 of
 3 title 18, United States Code, is amended by adding
 4 at the end the following:

“2282. Knowing discharge or release.”.

5 **SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND**
 6 **TERRORISTS.**

7 (a) TRANSPORTATION OF DANGEROUS MATERIALS
 8 AND TERRORISTS.—Chapter 111 of title 18, as amended
 9 by section 5 of this Act, is amended by adding at the end
 10 the following:

11 **“§ 2283. Transportation of explosive, biological, chem-**
 12 **ical, or radioactive or nuclear materials**

13 “(a) IN GENERAL.—Any person who knowingly and
 14 willfully transports aboard any vessel within the United
 15 States, on the high seas, or having United States nation-
 16 ality, an explosive or incendiary device, biological agent,
 17 chemical weapon, or radioactive or nuclear material, know-
 18 ing that any such item is intended to be used to commit
 19 an offense listed under section 2332b(g)(5)(B), shall be
 20 fined under this title, imprisoned for any term of years
 21 or for life, or both; and if the death of any person results
 22 from conduct prohibited by this subsection, may be pun-
 23 ished by death.

24 “(b) DEFINITIONS.—In this section:

1 “(1) BIOLOGICAL AGENT.—The term ‘biological
2 agent’ means any biological agent, toxin, or vector
3 (as those terms are defined in section 178).

4 “(2) BY-PRODUCT MATERIAL.—The term ‘by-
5 product material’ has the meaning given that term
6 in section 11(e) of the Atomic Energy Act of 1954
7 (42 U.S.C. 2014(e)).

8 “(3) CHEMICAL WEAPON.—The term ‘chemical
9 weapon’ has the meaning given that term in section
10 229F.

11 “(4) EXPLOSIVE OR INCENDIARY DEVICE.—The
12 term ‘explosive or incendiary device’ has the mean-
13 ing given the term in section 232(5).

14 “(5) NUCLEAR MATERIAL.—The term ‘nuclear
15 material’ has the meaning given that term in section
16 831(f)(1).

17 “(6) RADIOACTIVE MATERIAL.—The term ‘ra-
18 dioactive material’ means—

19 “(A) source material and special nuclear
20 material, but does not include natural or de-
21pleted uranium;

22 “(B) nuclear by-product material;

23 “(C) material made radioactive by bom-
24 bardment in an accelerator; or

25 “(D) all refined isotopes of radium.

1 “(7) SOURCE MATERIAL.—The term ‘source
2 material’ has the meaning given that term in section
3 11(z) of the Atomic Energy Act of 1954 (42 U.S.C.
4 2014(z)).

5 “(8) SPECIAL NUCLEAR MATERIAL.—The term
6 ‘special nuclear material’ has the meaning given that
7 term in section 11(aa) of the Atomic Energy Act of
8 1954 (42 U.S.C. 2014(aa)).

9 **“§ 2284. Transportation of terrorists**

10 “(a) IN GENERAL.—Any person who knowingly and
11 willfully transports any terrorist aboard any vessel within
12 the United States, on the high seas, or having United
13 States nationality, knowing that the transported person
14 is a terrorist, shall be fined under this title, imprisoned
15 for any term of years or for life, or both.

16 “(b) DEFINED TERM.—In this section, the term ‘ter-
17 rorist’ means any person who intends to commit, or is
18 avoiding apprehension after having committed, an offense
19 listed under section 2332b(g)(5)(B).”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 111 of title 18, United
22 States Code, as amended by this Act, is amended by add-
23 ing at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nu-
clear materials:

“2284. Transportation of terrorists.”.

1 **SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS**
 2 **OR MARITIME FACILITIES.**

3 (a) IN GENERAL.—Title 18, United States Code, is
 4 amended by inserting after chapter 111 the following:

5 **“CHAPTER 111A—DESTRUCTION OF, OR**
 6 **INTERFERENCE WITH, VESSELS OR**
 7 **MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

“2293. Bar to prosecution.

8 **“§ 2290. Jurisdiction and scope**

9 “(a) JURISDICTION.—There is jurisdiction over an of-
 10 fense under this chapter if the prohibited activity takes
 11 place—

12 “(1) within the United States or within waters
 13 subject to the jurisdiction of the United States; or

14 “(2) outside United States and—

15 “(A) an offender or a victim is a national
 16 of the United States (as that term is defined
 17 under section 101(a)(22) of the Immigration
 18 and Nationality Act (8 U.S.C. 1101(a)(22));

19 “(B) the activity involves a vessel in which
 20 a national of the United States was on board;
 21 or

22 “(C) the activity involves a vessel of the
 23 United States (as that term is defined under

1 section 2(e) of the Maritime Drug Law En-
2 forcement Act (42 App. U.S.C. 1903(e)).

3 “(b) SCOPE.—Nothing in this chapter shall apply to
4 otherwise lawful activities carried out by or at the direc-
5 tion of the United States Government.

6 **“§ 2291. Destruction of vessel or maritime facility**

7 “(a) OFFENSE.—Whoever willfully—

8 “(1) sets fire to, damages, destroys, disables, or
9 wrecks any vessel;

10 “(2) places or causes to be placed a destructive
11 device, as defined in section 921(a)(4), or destruc-
12 tive substance, as defined in section 13, in, upon, or
13 in proximity to, or otherwise makes or causes to be
14 made unworkable or unusable or hazardous to work
15 or use, any vessel, or any part or other materials
16 used or intended to be used in connection with the
17 operation of a vessel;

18 “(3) sets fire to, damages, destroys, or disables
19 or places a destructive device or substance in, upon,
20 or in proximity to, any maritime facility, including
21 but not limited to, any aid to navigation, lock, canal,
22 or vessel traffic service facility or equipment, or
23 interferes by force or violence with the operation of
24 such facility, if such action is likely to endanger the
25 safety of any vessel in navigation;

1 “(4) sets fire to, damages, destroys, or disables
2 or places a destructive device or substance in, upon,
3 or in proximity to, any appliance, structure, prop-
4 erty, machine, or apparatus, or any facility or other
5 material used, or intended to be used, in connection
6 with the operation, maintenance, loading, unloading,
7 or storage of any vessel or any passenger or cargo
8 carried or intended to be carried on any vessel;

9 “(5) performs an act of violence against or in-
10 capacitates any individual on any vessel, if such act
11 of violence or incapacitation is likely to endanger the
12 safety of the vessel or those on board;

13 “(6) performs an act of violence against a per-
14 son that causes or is likely to cause serious bodily
15 injury, as defined in section 1365, in, upon, or in
16 proximity to, any appliance, structure, property, ma-
17 chine, or apparatus, or any facility or other material
18 used, or intended to be used, in connection with the
19 operation, maintenance, loading, unloading, or stor-
20 age of any vessel or any passenger or cargo carried
21 or intended to be carried on any vessel;

22 “(7) communicates information, knowing the
23 information to be false and under circumstances in
24 which such information may reasonably be believed,

1 thereby endangering the safety of any vessel in navi-
2 gation; or

3 “(8) attempts or conspires to do anything pro-
4 hibited under paragraphs (1) through (7):

5 shall be fined under this title or imprisoned not more than
6 20 years, or both.

7 “(b) LIMITATION.—Subsection (a) shall not apply to
8 any person that is engaging in otherwise lawful activity,
9 such as normal repair and salvage activities, and the law-
10 ful transportation of hazardous materials.

11 “(c) PENALTY.—Whoever is fined or imprisoned
12 under subsection (a) as a result of an act involving a vessel
13 that, at the time of the violation, carried high-level radio-
14 active waste (as that term is defined in section 2(12) of
15 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
16 10101(12)) or spent nuclear fuel (as that term is defined
17 in section 2(23) of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10101(23)), shall be fined under title 18, im-
19 prisoned for a term up to life, or both.

20 “(d) PENALTY WHEN DEATH RESULTS.—Whoever is
21 convicted of any crime prohibited by subsection (a), which
22 has resulted in the death of any person, shall be subject
23 also to the death penalty or to imprisonment for life.

24 “(e) THREATS.—Whoever willfully imparts or con-
25 veys any threat to do an act which would violate this chap-

1 ter, with an apparent determination and will to carry the
 2 threat into execution, shall be fined under this title, im-
 3 prisoned not more than 5 years, or both, and is liable for
 4 all costs incurred as a result of such threat.

5 **“§ 2292. Imparting or conveying false information**

6 “(a) IN GENERAL.—Whoever imparts or conveys or
 7 causes to be imparted or conveyed false information,
 8 knowing the information to be false, concerning an at-
 9 tempt or alleged attempt being made or to be made, to
 10 do any act which would be a crime prohibited by this chap-
 11 ter or by chapter 111 of this title, shall be subject to a
 12 civil penalty of not more than \$5,000, which shall be re-
 13 coverable in a civil action brought in the name of the
 14 United States.

15 “(b) MALICIOUS CONDUCT.—Whoever willfully and
 16 maliciously, or with reckless disregard for the safety of
 17 human life, imparts or conveys or causes to be imparted
 18 or conveyed false information, knowing the information to
 19 be false, concerning an attempt or alleged attempt to do
 20 any act which would be a crime prohibited by this chapter
 21 or by chapter 111 of this title, shall be fined under this
 22 title, imprisoned not more than 5 years, or both.

23 “(c) JURISDICTION.—

1 “(1) IN GENERAL.—Except as provided under
2 paragraph (2), section 2290(a) shall not apply to
3 any offense under this section.

4 “(2) JURISDICTION.—Jurisdiction over an of-
5 fense under this section shall be determined in ac-
6 cordance with the provisions applicable to the crime
7 prohibited by this chapter, or by chapter 2, 97, or
8 111 of this title, to which the imparted or conveyed
9 false information relates, as applicable.

10 **“§ 2293. Bar to prosecution**

11 “(a) IN GENERAL.—It is a bar to prosecution under
12 this chapter if—

13 “(1) the conduct in question occurred within
14 the United States in relation to a labor dispute, and
15 such conduct is prohibited as a felony under the law
16 of the State in which it was committed; or

17 “(2) such conduct is prohibited as a mis-
18 demeanor under the law of the State in which it was
19 committed.

20 “(b) DEFINITIONS.—In this section:

21 “(1) LABOR DISPUTE.—The term ‘labor dis-
22 pute’ has the same meaning given that term in sec-
23 tion 113(e) of the Norris-LaGuardia Act (29 U.S.C.
24 113(e)).

1 “(2) STATE.—The term ‘State’ means a State
2 of the United States, the District of Columbia, and
3 any commonwealth, territory, or possession of the
4 United States.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of chapters at the beginning of title 18, United
7 States Code, is amended by inserting after the item for
8 chapter 111 the following:

“111A. Destruction of, or interference with, vessels or maritime facili-
ties 2290”.

9 **SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**
10 **OR VESSELS.**

11 (a) THEFT OF INTERSTATE OR FOREIGN SHIP-
12 MENTS.—Section 659 of title 18, United States Code, is
13 amended—

14 (1) in the first undesignated paragraph—

15 (A) by inserting “trailer,” after
16 “motortruck,”;

17 (B) by inserting “air cargo container,”
18 after “aircraft,”; and

19 (C) by inserting “, or from any intermodal
20 container, trailer, container freight station,
21 warehouse, or freight consolidation facility,”
22 after “air navigation facility”;

23 (2) in the fifth undesignated paragraph, by
24 striking “one year” and inserting “3 years”; and

1 (3) by inserting after the first sentence in the
 2 eighth undesignated paragraph the following: “For
 3 purposes of this section, goods and chattel shall be
 4 construed to be moving as an interstate or foreign
 5 shipment at all points between the point of origin
 6 and the final destination (as evidenced by the waybill
 7 or other shipping document of the shipment), re-
 8 gardless of any temporary stop while awaiting
 9 transshipment or otherwise.”.

10 (b) **STOLEN VESSELS.**—

11 (1) **IN GENERAL.**—Section 2311 of title 18,
 12 United States Code, is amended by adding at the
 13 end the following:

14 “‘Vessel’ means any watercraft or other contrivance
 15 used or designed for transportation or navigation on,
 16 under, or immediately above, water.”.

17 (2) **TRANSPORTATION AND SALE OF STOLEN**
 18 **VESSELS.**—Sections 2312 and 2313 of title 18,
 19 United States Code, are each amended by striking
 20 “motor vehicle or aircraft” and inserting “motor ve-
 21 hicle, vessel, or aircraft”.

22 (c) **REVIEW OF SENTENCING GUIDELINES.**—Pursu-
 23 ant to section 994 of title 28, United States Code, the
 24 United States Sentencing Commission shall review the
 25 Federal Sentencing Guidelines to determine whether sen-

1 tencing enhancement is appropriate for any offense under
 2 section 659 or 2311 of title 18, United States Code, as
 3 amended by this Act.

4 (d) ANNUAL REPORT OF LAW ENFORCEMENT AC-
 5 TIVITIES.—The Attorney General shall annually submit to
 6 Congress a report, which shall include an evaluation of
 7 law enforcement activities relating to the investigation and
 8 prosecution of offenses under section 659 of title 18,
 9 United States Code, as amended by this Act.

10 (e) REPORTING OF CARGO THEFT.—The Attorney
 11 General shall take the steps necessary to ensure that re-
 12 ports of cargo theft collected by Federal, State, and local
 13 officials are reflected as a separate category in the Uni-
 14 form Crime Reporting System, or any successor system,
 15 by no later than December 31, 2005.

16 **SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE**
 17 **WITH MANIFEST REQUIREMENTS.**

18 (a) REPORTING, ENTRY, CLEARANCE REQUIRE-
 19 MENTS.—Section 436(b) of the Tariff Act of 1930 (19
 20 U.S.C. 1436(b)) is amended by—

21 (1) striking “or aircraft pilot” and inserting “,
 22 aircraft pilot, operator, owner of such vessel, vehicle
 23 or aircraft or any other responsible party (including
 24 non-vessel operating common carriers)”;

1 (2) striking “\$5,000” and inserting “\$10,000”;
2 and

3 (3) striking “\$10,000” and inserting
4 “\$25,000”.

5 (b) CRIMINAL PENALTY.—Section 436(e) of the Tar-
6 iff Act of 1930 (19 U.S.C. 1436(e)) is amended by strik-
7 ing “\$2,000” and inserting “\$10,000”.

8 (c) FALSITY OR LACK OF MANIFEST.—Section
9 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.
10 1584(a)(1)) is amended by striking “\$1,000” in each
11 place it occurs and inserting “\$10,000”.

12 **SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.**

13 Section 2199 of title 18, United States Code, is
14 amended by striking “Shall be fined under this title or
15 imprisoned not more than one year, or both.” and insert-
16 ing the following:

17 “(1) shall be fined under this title, imprisoned
18 not more than 5 years, or both;

19 “(2) if the person commits an act proscribed by
20 this section, with the intent to commit serious bodily
21 injury, and serious bodily injury occurs (as defined
22 under section 1365, including any conduct that, if
23 the conduct occurred in the special maritime and
24 territorial jurisdiction of the United States, would
25 violate section 2241 or 2242) to any person other

1 than a participant as a result of a violation of this
 2 section, shall be fined under this title, imprisoned
 3 not more than 20 years, or both; and

4 “(3) if an individual commits an act proscribed
 5 by this section, with the intent to cause death, and
 6 if the death of any person other than a participant
 7 occurs as a result of a violation of this section, shall
 8 be fined under this title, imprisoned for any number
 9 of years or for life, or both.”.

10 **SEC. 11. BRIBERY AFFECTING PORT SECURITY.**

11 (a) IN GENERAL.—Chapter 11 of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 **“§ 226. Bribery affecting port security**

15 “(a) IN GENERAL.—Whoever knowingly—

16 “(1) directly or indirectly, corruptly gives, of-
 17 fers, or promises anything of value to any public or
 18 private person, with intent—

19 “(A) to commit international or domestic
 20 terrorism (as that term is defined under section
 21 2331);

22 “(B) to influence any action or any person
 23 to commit or aid in committing, or collude in,
 24 or allow, any fraud, or make opportunity for

1 the commission of any fraud affecting any se-
 2 cure or restricted area or seaport; or

3 “(C) to induce any official or person to do
 4 or omit to do any act in violation of the fidu-
 5 ciary duty of such official or person which af-
 6 fects any secure or restricted area or seaport;
 7 or

8 “(2) directly or indirectly, corruptly demands,
 9 seeks, receives, accepts, or agrees to receive or ac-
 10 cept anything of value personally or for any other
 11 person or entity in return for—

12 “(A) being influenced in the performance
 13 of any official act affecting any secure or re-
 14 stricted area or seaport; and

15 “(B) knowing that such influence will be
 16 used to commit, or plan to commit, inter-
 17 national or domestic terrorism

18 shall be fined under this title, imprisoned not more than
 19 15 years, or both.

20 “(b) DEFINITION.—In this section, the term ‘secure
 21 or restricted area’ has the meaning given that term in sec-
 22 tion 2285(c).”

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 11 of title 18, United

1 States Code, is amended by adding at the end the fol-
 2 lowing:

“226. Bribery affecting port security.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Reducing Crime and*
 5 *Terrorism at America’s Seaports Act of 2005”.*

6 **SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.**

7 *(a) IN GENERAL.—Section 1036 of title 18, United*
 8 *States Code, is amended—*

9 *(1) in subsection (a)—*

10 *(A) in paragraph (2), by striking “or” at*
 11 *the end;*

12 *(B) by redesignating paragraph (3) as*
 13 *paragraph (4); and*

14 *(C) by inserting after paragraph (2) the fol-*
 15 *lowing:*

16 *“(3) any secure or restricted area of any seaport,*
 17 *designated as secure in an approved security plan, as*
 18 *required under section 70103 of title 46, United*
 19 *States Code, and the rules and regulations promul-*
 20 *gated under that section; or”;*

21 *(2) in subsection (b)(1), by striking “5” and in-*
 22 *serting “10”;*

23 *(3) in subsection (c)(1), by inserting “, captain*
 24 *of the seaport,” after “airport authority”; and*

1 (4) by striking the section heading and inserting
2 the following:

3 **“§ 1036. Entry by false pretenses to any real property,**
4 **vessel, or aircraft of the United States or**
5 **secure area of any airport or seaport”.**

6 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
7 table of sections for chapter 47 of title 18 is amended by
8 striking the matter relating to section 1036 and inserting
9 the following:

*“1036. Entry by false pretenses to any real property, vessel, or aircraft of the
United States or secure area of any airport or seaport.”.*

10 (c) *DEFINITION OF SEAPORT.*—Chapter 1 of title 18,
11 United States Code, is amended by adding at the end the
12 following:

13 **“§ 26. Definition of seaport**

14 *“As used in this title, the term ‘seaport’ means all*
15 *piers, wharves, docks, and similar structures, adjacent to*
16 *any waters subject to the jurisdiction of the United States,*
17 *to which a vessel may be secured, including areas of land,*
18 *water, or land and water under and in immediate prox-*
19 *imity to such structures, buildings on or contiguous to such*
20 *structures, and the equipment and materials on such struc-*
21 *tures or in such buildings.”.*

22 (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The
23 table of sections for chapter 1 of title 18 is amended by

1 *inserting after the matter relating to section 25 the fol-*
 2 *lowing:*

“26. Definition of seaport.”.

3 **SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO,**
 4 **OBSTRUCTION OF BOARDING, OR PROVIDING**
 5 **FALSE INFORMATION.**

6 *(a) OFFENSE.—Chapter 109 of title 18, United States*
 7 *Code, is amended by adding at the end the following:*

8 **“§2237. Criminal sanctions for failure to heave to, ob-**
 9 **struction of boarding, or providing false**
 10 **information**

11 *“(a)(1) It shall be unlawful for the master, operator,*
 12 *or person in charge of a vessel of the United States, or a*
 13 *vessel subject to the jurisdiction of the United States, to*
 14 *knowingly fail to obey an order by an authorized Federal*
 15 *law enforcement officer to heave to that vessel.*

16 *“(2) It shall be unlawful for any person on board a*
 17 *vessel of the United States, or a vessel subject to the jurisdic-*
 18 *tion of the United States, to—*

19 *“(A) forcibly resist, oppose, prevent, impede, in-*
 20 *timidate, or interfere with a boarding or other law*
 21 *enforcement action authorized by any Federal law or*
 22 *to resist a lawful arrest; or*

23 *“(B) provide information to a Federal law en-*
 24 *forcement officer during a boarding of a vessel regard-*
 25 *ing the vessel’s destination, origin, ownership, reg-*

1 *istration, nationality, cargo, or crew, which that per-*
2 *son knows is materially false.*

3 *“(b) This section does not limit the authority of a cus-*
4 *toms officer under section 581 of the Tariff Act of 1930 (19*
5 *U.S.C. 1581), or any other provision of law enforced or ad-*
6 *ministered by the Secretary of the Treasury or the Secretary*
7 *of Homeland Security, or the authority of any Federal law*
8 *enforcement officer under any law of the United States, to*
9 *order a vessel to stop or heave to.*

10 *“(c) A foreign nation may consent or waive objection*
11 *to the enforcement of United States law by the United*
12 *States under this section by radio, telephone, or similar oral*
13 *or electronic means. Consent or waiver may be proven by*
14 *certification of the Secretary of State or the designee of the*
15 *Secretary of State.*

16 *“(d) In this section—*

17 *“(1) the term ‘Federal law enforcement officer’*
18 *has the meaning given the term in section 115(c);*

19 *“(2) the term ‘heave to’ means to cause a vessel*
20 *to slow, come to a stop, or adjust its course or speed*
21 *to account for the weather conditions and sea state to*
22 *facilitate a law enforcement boarding;*

23 *“(3) the term ‘vessel subject to the jurisdiction of*
24 *the United States’ has the meaning given the term in*

1 *section 2 of the Maritime Drug Law Enforcement Act*
 2 *(46 U.S.C. App. 1903); and*

3 *“(4) the term ‘vessel of the United States’ has the*
 4 *meaning given the term in section 2 of the Maritime*
 5 *Drug Law Enforcement Act (46 U.S.C. App. 1903).*

6 *“(e) Any person who intentionally violates the provi-*
 7 *sions of this section shall be fined under this title, impris-*
 8 *oned for not more than 5 years, or both.”.*

9 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*
 10 *table of sections for chapter 109, title 18, United States*
 11 *Code, is amended by inserting after the item for section*
 12 *2236 the following:*

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or pro-
viding false information.”.

13 **SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON**
 14 **A PASSENGER VESSEL.**

15 *Section 1993 of title 18, United States Code, is amend-*
 16 *ed—*

17 *(1) in subsection (a)—*

18 *(A) in paragraph (1), by inserting “, pas-*
 19 *senger vessel,” after “transportation vehicle”;*

20 *(B) in paragraphs (2)—*

21 *(i) by inserting “, passenger vessel,”*
 22 *after “transportation vehicle”; and*

1 (ii) by inserting “or owner of the pas-
2 senger vessel” after “transportation pro-
3 vider” each place that term appears;

4 (C) in paragraph (3)—

5 (i) by inserting “, passenger vessel,”
6 after “transportation vehicle” each place
7 that term appears; and

8 (ii) by inserting “or owner of the pas-
9 senger vessel” after “transportation pro-
10 vider” each place that term appears;

11 (D) in paragraph (5)—

12 (i) by inserting “, passenger vessel,”
13 after “transportation vehicle”; and

14 (ii) by inserting “or owner of the pas-
15 senger vessel” after “transportation pro-
16 vider”; and

17 (E) in paragraph (6), by inserting “or
18 owner of a passenger vessel” after “transpor-
19 tation provider” each place that term appears;

20 (2) in subsection (b)(1), by inserting “, passenger
21 vessel,” after “transportation vehicle”; and

22 (3) in subsection (c)—

23 (A) by redesignating paragraph (6) through
24 (8) as paragraphs (7) through (9); and

1 (B) by inserting after paragraph (5) the fol-
 2 lowing:

3 “(6) the term ‘passenger vessel’ has the meaning
 4 given that term in section 2101(22) of title 46, United
 5 States Code, and includes a small passenger vessel, as
 6 that term is defined under section 2101(35) of that
 7 title.”.

8 **SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
 9 **MARITIME NAVIGATION, PLACEMENT OF DE-**
 10 **STRUCTIVE DEVICES, AND MALICIOUS DUMP-**
 11 **ING.**

12 (a) *KNOWING DISCHARGE OR RELEASE.*—Chapter 111
 13 of title 18, United States Code, is amended by adding after
 14 section 2281 the following:

15 **“§2282. Knowing discharge or release**

16 “(a) *ENDANGERMENT OF HUMAN LIFE.*—A person
 17 who knowingly discharges or releases oil, hazardous mate-
 18 rial, a noxious liquid substance, or any other dangerous
 19 substance into navigable waters or onto the adjoining shore-
 20 line with the intent to endanger human life, or health, or
 21 welfare shall be fined under this title, imprisoned for any
 22 term of years or for life, or both.

23 “(b) *ENDANGERMENT OF MARINE ENVIRONMENT.*—
 24 Any person who knowingly discharges or releases oil, a haz-
 25 ardous material, a noxious liquid substance, or any other

1 *dangerous substance into navigable waters or onto the adja-*
2 *cent shoreline with the intent to endanger the marine envi-*
3 *ronment shall be fined under this title, imprisoned not more*
4 *than 30 years, or both.*

5 “(c) *DEFINITIONS.—In this section:*

6 “(1) *DISCHARGE.—The term ‘discharge’ includes,*
7 *but is not limited to, any spilling, leaking, pumping,*
8 *pouring, emitting, emptying, or dumping.*

9 “(2) *HAZARDOUS MATERIAL.—The term ‘haz-*
10 *ardous material’ has the meaning given the term in*
11 *section 2101(14) of title 46, United States Code.*

12 “(3) *MARINE ENVIRONMENT.—The term ‘marine*
13 *environment’ has the meaning given the term in sec-*
14 *tion 2101(15) of title 46, United States Code.*

15 “(4) *NAVIGABLE WATERS.—The term ‘navigable*
16 *waters’ has the meaning given the term in section*
17 *1362(7) of title 33, United States Code, and also in-*
18 *cludes the territorial sea of the United States as de-*
19 *scribed in Presidential Proclamation 5928 of Decem-*
20 *ber 27, 1988.*

21 “(5) *NOXIOUS LIQUID SUBSTANCE.—The term*
22 *‘noxious liquid substance’ has the meaning given the*
23 *term in the MARPOL Protocol defined in section 2(1)*
24 *of the Act to Prevent Pollution from Ships (33 U.S.C.*
25 *1901(a)(3)).*

1 “(6) *OIL*.—The term ‘oil’ has the meaning given
2 the term in section 1321(a)(1) of title 33, United
3 States Code; and

4 “(7) *DANGEROUS SUBSTANCE*.—The term ‘dan-
5 gerous substance’ means any solid, liquid, or gaseous
6 material that has the capacity of endangering human
7 life, health, or welfare.”.

8 (b) *TECHNICAL AND CONFORMING AMENDMENT*.—The
9 table of sections for chapter 111 of title 18, United States
10 Code, is amended by adding at the end the following:

 “2282. *Knowing discharge or release*.”.

11 (c) *PLACEMENT OF DESTRUCTIVE DEVICES*.—Chapter
12 111 of title 18, United States Code, as amended by sub-
13 section (a), is further amended by adding at the end the
14 following:

15 “**§ 2282A. *Devices or dangerous substances in waters***
16 ***of the united states likely to destroy or***
17 ***damage ships or to interfere with mari-***
18 ***time commerce***

19 “(a) *A person who knowingly places, or causes to be*
20 *placed, in navigable waters of the United States, by any*
21 *means, a device or dangerous substance which is likely to*
22 *destroy or cause damage to a vessel or its cargo, cause inter-*
23 *ference with the safe navigation of vessels, or interference*
24 *with maritime commerce (such as by damaging or destroy-*
25 *ing marine terminals, facilities, or any other marine struc-*

1 *ture or entity used in maritime commerce) with the intent*
2 *of causing such destruction or damage, interference with the*
3 *safe navigation of vessels, or interference with maritime*
4 *commerce shall be fined under this title, imprisoned for any*
5 *term of years or for life, or both.*

6 “(b) *A person who causes the death of any person by*
7 *engaging in conduct prohibited under subsection (a) may*
8 *be punished by death.*”

9 “(c) *Nothing in this section shall be construed to apply*
10 *to otherwise lawfully authorized and conducted activities of*
11 *the United States Government.*”

12 “(d) *In this section:*

13 “(1) *The term ‘dangerous substance’ means any*
14 *solid, liquid, or gaseous material that has the capac-*
15 *ity to cause damage to a vessel or its cargo, or cause*
16 *interference with the safe navigation of a vessel.*”

17 “(2) *The term ‘device’ means any object that, be-*
18 *cause of its physical, mechanical, structural, or chem-*
19 *ical properties, has the capacity to cause damage to*
20 *a vessel or its cargo, or cause interference with the*
21 *safe navigation of a vessel.’.*”

22 “(2) *TECHNICAL AND CONFORMING AMEND-*
23 *MENT.—The table of sections for chapter 111 of title*
24 *18, United States Code, as amended by subsection (b),*

1 *is further amended by adding after the item related*
 2 *to section 2282 the following:*

 “2282A. *Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.*”.

3 *(d) VIOLENCE AGAINST MARITIME NAVIGATION.—*

4 *(1) IN GENERAL.—Chapter 111 of title 18,*
 5 *United States Code as amended by subsections (a)*
 6 *and (c), is further amended by adding at the end the*
 7 *following:*

8 **“§2282B. *Violence against aids to maritime naviga-***
 9 ***tion***

10 *“Whoever intentionally destroys, seriously damages,*
 11 *alters, moves, or tampers with any aid to maritime naviga-*
 12 *tion maintained by the Saint Lawrence Seaway Develop-*
 13 *ment Corporation under the authority of section 4 of the*
 14 *Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard*
 15 *pursuant to section 81 of title 14, United States Code, or*
 16 *lawfully maintained under authority granted by the Coast*
 17 *Guard pursuant to section 83 of title 14, United States*
 18 *Code, if such act endangers or is likely to endanger the safe*
 19 *navigation of a ship, shall be fined under this title, impris-*
 20 *oned for not more than 20 years, or both.”.*

21 *(2) TECHNICAL AND CONFORMING AMEND-*
 22 *MENT.—The table of sections for chapter 111 of title*
 23 *18, United States Code, as amended by subsections (b)*

1 *and (d) is further amended by adding after the item*
 2 *related to section 2282A the following:*

 “2282B. *Violence against aids to maritime navigation.*”.

3 **SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND**
 4 **TERRORISTS.**

5 *(a) TRANSPORTATION OF DANGEROUS MATERIALS AND*
 6 *TERRORISTS.—Chapter 111 of title 18, as amended by sec-*
 7 *tion 5, is further amended by adding at the end the fol-*
 8 *lowing:*

9 **“§ 2283. Transportation of explosive, biological, chem-**
 10 **ical, or radioactive or nuclear materials**

11 *“(a) IN GENERAL.—Any person who knowingly and*
 12 *willfully transports aboard any vessel within the United*
 13 *States and on waters subject to the jurisdiction of the*
 14 *United States or any vessel outside the United States and*
 15 *on the high seas or having United States nationality an*
 16 *explosive or incendiary device, biological agent, chemical*
 17 *weapon, or radioactive or nuclear material, knowing that*
 18 *any such item is intended to be used to commit an offense*
 19 *listed under section 2332b(g)(5)(B), shall be fined under*
 20 *this title, imprisoned for any term of years or for life, or*
 21 *both.*

22 *“(b) CAUSING DEATH.—Any person who causes the*
 23 *death of any person by engaging in conduct prohibited by*
 24 *subsection (a) may be punished by death.*

25 *“(c) DEFINITIONS.—In this section:*

1 “(1) *BIOLOGICAL AGENT*.—The term ‘biological
2 agent’ means any biological agent, toxin, or vector (as
3 those terms are defined in section 178).

4 “(2) *BY-PRODUCT MATERIAL*.—The term ‘by-
5 product material’ has the meaning given that term in
6 section 11(e) of the Atomic Energy Act of 1954 (42
7 U.S.C. 2014(e)).

8 “(3) *CHEMICAL WEAPON*.—The term ‘chemical
9 weapon’ has the meaning given that term in section
10 229F(1).

11 “(4) *EXPLOSIVE OR INCENDIARY DEVICE*.—The
12 term ‘explosive or incendiary device’ has the meaning
13 given the term in section 232(5).

14 “(5) *NUCLEAR MATERIAL*.—The term ‘nuclear
15 material’ has the meaning given that term in section
16 831(f)(1).

17 “(6) *RADIOACTIVE MATERIAL*.—The term ‘radio-
18 active material’ means—

19 “(A) source material and special nuclear
20 material, but does not include natural or de-
21pleted uranium;

22 “(B) nuclear by-product material;

23 “(C) material made radioactive by bom-
24 bardment in an accelerator; or

25 “(D) all refined isotopes of radium.

1 “(8) *SOURCE MATERIAL.*—*The term ‘source ma-*
2 *terial’ has the meaning given that term in section*
3 *11(z) of the Atomic Energy Act of 1954 (42 U.S.C.*
4 *2014(z)).*

5 “(9) *SPECIAL NUCLEAR MATERIAL.*—*The term*
6 *‘special nuclear material’ has the meaning given that*
7 *term in section 11(aa) of the Atomic Energy Act of*
8 *1954 (42 U.S.C. 2014(aa)).*

9 **“§2284. Transportation of terrorists**

10 “(a) *IN GENERAL.*—*Any person who knowingly and*
11 *intentionally transports any terrorist aboard any vessel*
12 *within the United States and on waters subject to the juris-*
13 *isdiction of the United States or any vessel outside the United*
14 *States and on the high seas or having United States nation-*
15 *ality, knowing that the transported person is a terrorist,*
16 *shall be fined under this title, imprisoned for any term of*
17 *years or for life, or both.*

18 “(b) *DEFINED TERM.*—*In this section, the term ‘ter-*
19 *rorist’ means any person who intends to commit, or is*
20 *avoiding apprehension after having committed, an offense*
21 *listed under section 2332b(g)(5)(B).”.*

22 “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
23 *table of sections for chapter 111 of title 18, United States*
24 *Code, as amended by section 5, is further amended by add-*
25 *ing at the end the following:*

“2283. *Transportation of explosive, chemical, biological, or radioactive or nuclear materials.*

“2284. *Transportation of terrorists.*”.

1 **SEC. 7. DESTRUCTION OF, OR INTERFERENCE WITH, VES-**
 2 **SELS OR MARITIME FACILITIES.**

3 (a) *IN GENERAL.*—*Title 18, United States Code, is*
 4 *amended by inserting after chapter 111 the following:*

5 **“CHAPTER 111A—DESTRUCTION OF, OR IN-**
 6 **TERFERENCE WITH, VESSELS OR MAR-**
 7 **ITIME FACILITIES**

“Sec.

“2290. *Jurisdiction and scope.*

“2291. *Destruction of vessel or maritime facility.*

“2292. *Imparting or conveying false information.*

“2293. *Bar to prosecution.*

8 **“§ 2290. Jurisdiction and scope**

9 “(a) *JURISDICTION.*—*There is jurisdiction over an of-*
 10 *fense under this chapter if the prohibited activity takes*
 11 *place—*

12 “(1) *within the United States and within waters*
 13 *subject to the jurisdiction of the United States; or*

14 “(2) *outside United States and—*

15 “(A) *an offender or a victim is a national*
 16 *of the United States (as that term is defined*
 17 *under section 101(a)(22) of the Immigration and*
 18 *Nationality Act (8 U.S.C. 1101(a)(22));*

19 “(B) *the activity involves a vessel in which*
 20 *a national of the United States was on board; or*

1 “(C) *the activity involves a vessel of the*
2 *United States (as that term is defined under sec-*
3 *tion 2 of the Maritime Drug Law Enforcement*
4 *Act (46 U.S.C. App. 1903).*

5 “(b) *SCOPE.—Nothing in this chapter shall apply to*
6 *otherwise lawful activities carried out by or at the direction*
7 *of the United States Government.*

8 “**§ 2291. Destruction of vessel or maritime facility**

9 “(a) *OFFENSE.—Whoever willfully—*

10 “(1) *sets fire to, damages, destroys, disables, or*
11 *wrecks any vessel;*

12 “(2) *places or causes to be placed a destructive*
13 *device, as defined in section 921(a)(4), or destructive*
14 *substance, as defined in section 31(a)(3), in, upon, or*
15 *near, or otherwise makes or causes to be made un-*
16 *workable or unusable or hazardous to work or use,*
17 *any vessel, or any part or other materials used or in-*
18 *tended to be used in connection with the operation of*
19 *a vessel;*

20 “(3) *sets fire to, damages, destroys, or disables or*
21 *places a destructive device or substance in, upon, or*
22 *near, any maritime facility, including any aid to*
23 *navigation, lock, canal, or vessel traffic service facil-*
24 *ity or equipment;*

1 “(4) interferes by force or violence with the oper-
2 ation of any maritime facility, including any aid to
3 navigation, lock, canal, or vessel traffic service facil-
4 ity or equipment, if such action is likely to endanger
5 the safety of any vessel in navigation;

6 “(5) sets fire to, damages, destroys, or disables or
7 places a destructive device or substance in, upon, or
8 near, any appliance, structure, property, machine, or
9 apparatus, or any facility or other material used, or
10 intended to be used, in connection with the operation,
11 maintenance, loading, unloading, or storage of any
12 vessel or any passenger or cargo carried or intended
13 to be carried on any vessel;

14 “(6) performs an act of violence against or inca-
15 pacitates any individual on any vessel, if such act of
16 violence or incapacitation is likely to endanger the
17 safety of the vessel or those on board;

18 “(7) performs an act of violence against a person
19 that causes or is likely to cause serious bodily injury,
20 as defined in section 1365(h)(3), in, upon, or near,
21 any appliance, structure, property, machine, or appa-
22 ratus, or any facility or other material used, or in-
23 tended to be used, in connection with the operation,
24 maintenance, loading, unloading, or storage of any

1 vessel or any passenger or cargo carried or intended
2 to be carried on any vessel;

3 “(8) communicates information, knowing the in-
4 formation to be false and under circumstances in
5 which such information may reasonably be believed,
6 thereby endangering the safety of any vessel in navi-
7 gation; or

8 “(9) attempts or conspires to do anything pro-
9 hibited under paragraphs (1) through (8),
10 shall be fined under this title, imprisoned not more than
11 20 years, or both.

12 “(b) *LIMITATION.*—Subsection (a) shall not apply to
13 any person that is engaging in otherwise lawful activity,
14 such as normal repair and salvage activities, and the trans-
15 portation of hazardous materials regulated and allowed to
16 be transported under chapter 51 of title 49.

17 “(c) *PENALTY.*—Whoever is fined or imprisoned under
18 subsection (a) as a result of an act involving a vessel that,
19 at the time of the violation, carried high-level radioactive
20 waste (as that term is defined in section 2(12) of the Nu-
21 clear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or
22 spent nuclear fuel (as that term is defined in section 2(23)
23 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
24 10101(23)), shall be fined under this title, imprisoned for
25 a term up to life, or both.

1 “(d) *PENALTY WHEN DEATH RESULTS.*—Whoever is
 2 convicted of any crime prohibited by subsection (a) and in-
 3 tended to cause death by the prohibited conduct, if the con-
 4 duct resulted in the death of any person, shall be subject
 5 also to the death penalty or to a term of imprisonment for
 6 a period up to life.

7 “(e) *THREATS.*—Whoever willfully imparts or conveys
 8 any threat to do an act which would violate this chapter,
 9 with an apparent determination and will to carry the
 10 threat into execution, shall be fined under this title, impris-
 11 oned not more than 5 years, or both, and is liable for all
 12 costs incurred as a result of such threat.

13 “**§ 2292. Imparting or conveying false information**

14 “(a) *IN GENERAL.*—Whoever imparts or conveys or
 15 causes to be imparted or conveyed false information, know-
 16 ing the information to be false, concerning an attempt or
 17 alleged attempt being made or to be made, to do any act
 18 that would be a crime prohibited by this chapter or by chap-
 19 ter 111 of this title, shall be subject to a civil penalty of
 20 not more than \$5,000, which shall be recoverable in a civil
 21 action brought in the name of the United States.

22 “(b) *MALICIOUS CONDUCT.*—Whoever willfully and
 23 maliciously, or with reckless disregard for the safety of
 24 human life, imparts or conveys or causes to be imparted
 25 or conveyed false information, knowing the information to

1 *be false, concerning an attempt or alleged attempt to do*
2 *any act which would be a crime prohibited by this chapter*
3 *or by chapter 111 of this title, shall be fined under this*
4 *title, imprisoned not more than 5 years, or both.*

5 “(c) *JURISDICTION.*—

6 “(1) *IN GENERAL.*—*Except as provided under*
7 *paragraph (2), section 2290(a) shall not apply to any*
8 *offense under this section.*

9 “(2) *JURISDICTION.*—*Jurisdiction over an of-*
10 *fense under this section shall be determined in accord-*
11 *ance with the provisions applicable to the crime pro-*
12 *hibited by this chapter, or by chapter 111 of this title,*
13 *to which the imparted or conveyed false information*
14 *relates, as applicable.*

15 “§ 2293. ***Bar to prosecution***

16 “(a) *IN GENERAL.*—*It is a bar to prosecution under*
17 *this chapter if—*

18 “(1) *the conduct in question occurred within the*
19 *United States in relation to a labor dispute, and such*
20 *conduct is prohibited as a felony under the law of the*
21 *State in which it was committed; or*

22 “(2) *such conduct is prohibited as a mis-*
23 *demeanor, and not as a felony, under the law of the*
24 *State in which it was committed.*

25 “(b) *DEFINITIONS.*—*In this section:*

1 (C) by inserting “, or from any intermodal
2 container, trailer, container freight station,
3 warehouse, or freight consolidation facility,”
4 after “air navigation facility”;

5 (2) in the fifth undesignated paragraph, by
6 striking “one year” and inserting “3 years”; and

7 (3) by inserting after the first sentence in the
8 eighth undesignated paragraph the following: “For
9 purposes of this section, goods and chattel shall be
10 construed to be moving as an interstate or foreign
11 shipment at all points between the point of origin
12 and the final destination (as evidenced by the waybill
13 or other shipping document of the shipment), regard-
14 less of any temporary stop while awaiting trans-
15 shipment or otherwise.”.

16 (b) *STOLEN VESSELS.*—

17 (1) *IN GENERAL.*—Section 2311 of title 18,
18 United States Code, is amended by adding at the end
19 the following:

20 “‘Vessel’ means any watercraft or other contrivance
21 used or designed for transportation or navigation on,
22 under, or immediately above, water.”.

23 (2) *TRANSPORTATION AND SALE OF STOLEN VES-*
24 *SELS.*—

1 (A) *TRANSPORTATION.*—Section 2312 of
2 title 18, United States Code, is amended by
3 striking “motor vehicle or aircraft” and insert-
4 ing “motor vehicle, vessel, or aircraft”.

5 (B) *SALE.*—Section 2313(a) of title 18,
6 United States Code, is amended by striking
7 “motor vehicle or aircraft” and inserting “motor
8 vehicle, vessel, or aircraft”.

9 (c) *REVIEW OF SENTENCING GUIDELINES.*—Pursuant
10 to section 994 of title 28, United States Code, the United
11 States Sentencing Commission shall review the Federal
12 Sentencing Guidelines to determine whether sentencing en-
13 hancement is appropriate for any offense under section 659
14 or 2311 of title 18, United States Code, as amended by this
15 Act.

16 (d) *ANNUAL REPORT OF LAW ENFORCEMENT ACTIVI-*
17 *TIES.*—The Attorney General shall annually submit to Con-
18 gress a report, which shall include an evaluation of law en-
19 forcement activities relating to the investigation and pros-
20 ecution of offenses under section 659 of title 18, United
21 States Code, as amended by this Act.

22 (e) *REPORTING OF CARGO THEFT.*—The Attorney
23 General shall take the steps necessary to ensure that reports
24 of cargo theft collected by Federal, State, and local officials
25 are reflected as a separate category in the Uniform Crime

1 *Reporting System, or any successor system, by no later than*
2 *December 31, 2005.*

3 **SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE**
4 **WITH MANIFEST REQUIREMENTS.**

5 (a) *REPORTING, ENTRY, CLEARANCE REQUIRE-*
6 *MENTS.—Section 436(b) of the Tariff Act of 1930 (19*
7 *U.S.C. 1436(b)) is amended by—*

8 (1) *striking “or aircraft pilot” and inserting*
9 *“aircraft pilot, operator, owner of such vessel, vehicle*
10 *or aircraft, or any other responsible party (including*
11 *non-vessel operating common carriers)”;*

12 (2) *striking “\$5,000” and inserting “\$10,000”;*
13 *and*

14 (3) *striking “\$10,000” and inserting “\$25,000”.*

15 (b) *CRIMINAL PENALTY.—Section 436(c) of the Tariff*
16 *Act of 1930 (19 U.S.C. 1436(c)) is amended—*

17 (1) *by striking “or aircraft pilot” and inserting*
18 *“aircraft pilot, operator, owner of such vessel, vehicle,*
19 *or aircraft, or any other responsible party (including*
20 *non-vessel operating common carriers)”;* *and*

21 (2) *by striking “\$2,000” and inserting*
22 *“\$10,000”.*

23 (c) *FALSITY OR LACK OF MANIFEST.—Section*
24 *584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1))*

1 *is amended by striking “\$1,000” in each place it occurs*
2 *and inserting “\$10,000”.*

3 **SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.**

4 *Section 2199 of title 18, United States Code, is amend-*
5 *ed by striking “Shall be fined under this title or imprisoned*
6 *not more than one year, or both.” and inserting the fol-*
7 *lowing:*

8 *“(1) shall be fined under this title, imprisoned*
9 *not more than 5 years, or both;*

10 *“(2) if the person commits an act proscribed by*
11 *this section, with the intent to commit serious bodily*
12 *injury, and serious bodily injury occurs (as defined*
13 *under section 1365, including any conduct that, if the*
14 *conduct occurred in the special maritime and terri-*
15 *torial jurisdiction of the United States, would violate*
16 *section 2241 or 2242) to any person other than a par-*
17 *ticipant as a result of a violation of this section, shall*
18 *be fined under this title, imprisoned not more than 20*
19 *years, or both; and*

20 *“(3) if an individual commits an act proscribed*
21 *by this section, with the intent to cause death, and if*
22 *the death of any person other than a participant oc-*
23 *currs as a result of a violation of this section, shall be*
24 *fined under this title, imprisoned for any number of*
25 *years or for life, or both.”.*

1 **SEC. 11. BRIBERY AFFECTING PORT SECURITY.**

2 (a) *IN GENERAL.*—Chapter 11 of title 18, United
3 States Code, is amended by adding at the end the following:

4 **“§ 226. Bribery affecting port security**

5 “(a) *IN GENERAL.*—Whoever knowingly—

6 “(1) *directly or indirectly, corruptly gives, offers,*
7 *or promises anything of value to any public or pri-*
8 *vate person, with intent to commit international ter-*
9 *rorism or domestic terrorism (as those terms are de-*
10 *fin ed under section 2331), to—*

11 “(A) *influence any action or any person to*
12 *commit or aid in committing, or collude in, or*
13 *allow, any fraud, or make opportunity for the*
14 *commission of any fraud affecting any secure or*
15 *restricted area or seaport; or*

16 “(B) *induce any official or person to do or*
17 *omit to do any act in violation of the lawful*
18 *duty of such official or person that affects any*
19 *secure or restricted area or seaport; or*

20 “(2) *directly or indirectly, corruptly demands,*
21 *seeks, receives, accepts, or agrees to receive or accept*
22 *anything of value personally or for any other person*
23 *or entity in return for—*

24 “(A) *being influenced in the performance of*
25 *any official act affecting any secure or restricted*
26 *area or seaport; and*

1 “(B) knowing that such influence will be
2 used to commit, or plan to commit, international
3 or domestic terrorism,
4 shall be fined under this title, imprisoned not more than
5 15 years, or both.

6 “(b) DEFINITION.—In this section, the term ‘secure or
7 restricted area’ means an area of a vessel or facility des-
8 igned as secure in an approved security plan, as required
9 under section 70103 of title 46, United States Code, and
10 the rules and regulations promulgated under that section.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—The
12 table of sections for chapter 11 of title 18, United States
13 Code, is amended by adding at the end the following:

“226. Bribery affecting port security.”.

Calendar No. 86

109TH CONGRESS
1ST Session

S. 378

A BILL

To make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

APRIL 21, 2005

Reported with an amendment