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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the "Reducing Crime and Terrorism at America's Seaports Act of 2005".

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

(a) In general.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or" at the end;

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

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

"(3) any secure or restricted area (as that term is defined under section 2285(c)) of any seaport; or"

(2) in subsection (b)(1), by striking "5" and inserting "10";

(3) in subsection (c)(1), by inserting "; captain of the seaport," after "airport authority"; and

(4) in the section heading, by inserting "or seaport" after "airport".

(b) Technical and Conforming Amendment.—

The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:
(a) Definition of seaport.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

§ 25. Definition of seaport

"As used in this title, the term ‘seaport’ means all piers, wharves, docks, and similar structures to which a vessel may be secured, areas of land, water, or land and water under and in immediate proximity to such structures, and buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings."

(d) Technical and Conforming Amendment.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 24 the following:

§ 25. Definition of seaport.

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

(a) Offense.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:
§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

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

(b)(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

(A) forcibly resist, oppose, prevent, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law; or to resist a lawful arrest; or

(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

(b) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Undersecretary for Border and Transportation Security of the Department of Homeland Security, or the
authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to:

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

"(d) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2(e) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2(e) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)).
"(e) Any person who intentionally violates the provisions of this section shall be fined under this title, imprisoned for not more than 5 years, or both."

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

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

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

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

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", passenger vessel," after "transportation vehicle";

(B) in paragraph (2)—

(i) by inserting "; passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(C) in paragraph (3)—

(i) by inserting "; passenger vessel," after "transportation vehicle" each place that term appears; and
(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(D) in paragraph (5)—

(i) by inserting "passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider"; and

(E) in paragraph (6), by inserting "or owner of a passenger vessel" after "transportation provider" each place that term appears;

(2) in subsection (b)(1), by inserting "passenger vessel," after "transportation vehicle"; and

(3) in subsection (e)—

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

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

"(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title."
SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST
MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

(a) VIOLENCE AGAINST MARITIME NAVIGATION.—

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

(1) in paragraph (1)—

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

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

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

“(F) destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers
or is likely to endanger the safe navigation of
a ship;

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

(b) PLACEMENT OF DESTRUCTIVE DEVICES.—

(1) In general.—Chapter 111 of title 18,
United States Code, is amended by adding after sec-
tion 2280 the following:

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

(a) A person who knowingly places, or causes to be
placed, in navigable waters of the United States, by any
means, a device or substance which is likely to destroy or
cause damage to a vessel or its cargo, or cause interference
with the safe navigation of vessels, or interference with
maritime commerce, such as by damaging or destroying
marine terminals, facilities, and any other marine struc-
ture or entity used in maritime commerce, with the intent
of causing such destruction or damage, or interference
with the safe navigation of vessels or with maritime com-
merce, shall be fined under this title; imprisoned for any
term of years or for life; or both; and if the death of any
person results from conduct prohibited under this sub-
section, may be punished by death.

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

(2) TECHNICAL AND CONFORMING AMEND-
MENT. The table of sections for chapter 111 of
title 18, United States Code, is amended by adding
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."

(c) MALICIOUS DUMPING.—

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

"§ 2282. Knowing discharge or release

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

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—
Any person who knowingly discharges or releases oil, a
hazardous material, a noxious liquid substance, or any
other dangerous substance into the navigable waters of the
United States or the adjacent shoreline with the intent
to endanger the marine environment shall be fined under
this title, imprisoned not more than 30 years, or both.

"(e) DEFINITIONS.—In this section:

"(1) DISCHARGE.—The term 'discharge' means
any spilling, leaking, pumping, pouring, emitting,
emptying, or dumping.

"(2) HAZARDOUS MATERIAL.—The term 'haz-
ardous material' has the meaning given the term in
section 2101(14) of title 46, United States Code.

"(3) MARINE ENVIRONMENT.—The term 'ma-
rine environment' has the meaning given the term in
section 2101(15) of title 46, United States Code.

"(4) NAVIGABLE WATERS.—The term 'navi-
gable waters' has the meaning given the term in sec-
tion 1362(7) of title 33, and also includes the territ-
torial sea of the United States as described in Presi-

"(5) NOXIOUS LIQUID SUBSTANCE.—The term
'noxious liquid substance' has the meaning given the
term in the MARPOL Protocol defined in section
2(4) of the Act to Prevent Pollution from Ships (33
U.S.C. 1901(a)(3)).
(2) Technical and conforming amendment.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2282. Knowing discharge or release."

SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) Transportation of Dangerous Materials and Terrorists.—Chapter 111 of title 18, as amended by section 5 of this Act, is amended by adding at the end the following:

"§2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

"(a) In General.—Any person who knowingly and willfully transports aboard any vessel within the United States, on the high seas, or having United States nationality, an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited by this subsection, may be punished by death.

"(b) Definitions.—In this section:
The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

The term ‘chemical weapon’ has the meaning given that term in section 229F.

The term ‘explosive or incendiary device’ has the meaning given the term in section 232(5).

The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

The term ‘radioactive material’ means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear by-product material;

(C) material made radioactive by bombardment in an accelerator; or

(D) all refined isotopes of radium.
"(7) Source material.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

"(8) Special nuclear material.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

§ 2284. Transportation of terrorists

"(a) In General.—Any person who knowingly and willfully transports any terrorist aboard any vessel within the United States, on the high seas, or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(b) Defined Term.—In this section, the term ‘terrorist’ means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).”.

(b) Technical and Conforming Amendment.—The table of sections for chapter 111 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

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

"2284. Transportation of terrorists.”
SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS
OR MARITIME FACILITIES.

(a) In General.—Title 18, United States Code, is
amended by inserting after chapter 111 the followings:

"CHAPTER 111A—DESTRUCTION OF, OR
INTERFERENCE WITH, VESSELS OR
MARITIME FACILITIES

§ 2290. Jurisdiction and scope.
§ 2291. Destruction of vessel or maritime facility.
§ 2292. Imparting or conveying false information.
§ 2293. Bar to prosecution.

§ 2290. Jurisdiction and scope.

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

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

(2) outside United States and—

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

(B) the activity involves a vessel in which
a national of the United States was on board;

(C) the activity involves a vessel of the
United States (as that term is defined under
section 2(e) of the Maritime Drug Law Enforcement Act (42 App. U.S.C. 1903(e)).

"(b) Scope.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

§2291. Destruction of vessel or maritime facility

"(a) Offense.—Whoever willfully—

"(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

"(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 13, in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

"(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any maritime facility, including but not limited to, any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interferes by force or violence with the operation of such facility, if such action is likely to endanger the safety of any vessel in navigation;
(4) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(5) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

(6) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365, in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(7) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed,
thereby endangering the safety of any vessel in navigation; or

\( (8) \) attempts or conspires to do anything prohibited under paragraphs (1) through (7);

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

\( (b) \) LIMITATION. — Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the lawful transportation of hazardous materials.

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

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

\( (e) \) THREATS. — Whoever willfully imparts or conveys any threat to do an act which would violate this chap-
• 378 RS

With an apparent determination and will to carry the threat into execution, shall be fined under this title, imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

§ 2292. Imparting or conveying false information

(a) In General.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

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

(c) Jurisdiction.—
§ 2290. Bar to prosecution

(a) In general.—It is a bar to prosecution under this chapter if—

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

(2) such conduct is prohibited as a misdemeanor under the law of the State in which it was committed.

(b) Definitions.—In this section:

(1) Labor dispute.—The term ‘labor dispute’ has the same meaning given that term in section 113(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).
"(2) State.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

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111A. Destruction of, or interference with, vessels or maritime facilities ................................................................. 2290
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SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

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

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

and

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

(2) in the fifth undesignated paragraph, by striking “one year” and inserting “3 years”; and
(3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.”

(b) STOLEN VESSELS.—

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

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

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

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sen-
tencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this Act.

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

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2005.

SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

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

(1) striking "or aircraft pilot" and inserting ";

aircraft pilot, operator, owner of such vessel, vehicle or aircraft or any other responsible party (including non-vessel operating common carriers),\";
(2) striking "$5,000" and inserting "$10,000";

and

(3) striking "$10,000" and inserting "$25,000".

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended by striking "$2,000" and inserting "$10,000".

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

SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking "Shall be fined under this title or imprisoned not more than one year, or both." and inserting the following:

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

"(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other
than a participant as a result of a violation of this section, shall be fined under this title, imprisoned not more than 20 years; or both; and

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

SEC. 11. BRIBERY AFFECTING PORT SECURITY.

(a) In General.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Bribery affecting port security

"(a) In General.—Whoever knowingly—

"(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent—

"(A) to commit international or domestic terrorism (as that term is defined under section 2331);

"(B) to influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for
the commission of any fraud affecting any secure or restricted area or seaport; or

("(C) to induce any official or person to do or omit to do any act in violation of the fiduciary duty of such official or person which affects any secure or restricted area or seaport; or

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

"(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

"(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism

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

"(b) DEFINITION.—In this section, the term ‘secure or restricted area’ has the meaning given that term in section 2285(e).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 11 of title 18, United
States Code, is amended by adding at the end the following:

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226. Bribery affecting port security.
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SECTION 1. SHORT TITLE.

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

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

(a) In General.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

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

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

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

“(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or”;

(2) in subsection (b)(1), by striking “5” and inserting “10”;

(3) in subsection (c)(1), by inserting “; captain of the seaport,” after “airport authority”; and
(4) by striking the section heading and inserting 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”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting 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.”.

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

“§ 26. Definition of seaport

“As used in this title, the term ‘seaport’ means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by
inserting after the matter relating to section 25 the fol-
lowing:

“26. Definition of seaport.”.

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

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

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

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

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

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

“(B) provide information to a Federal law en-
forcement officer during a boarding of a vessel regard-
ing the vessel’s destination, origin, ownership, reg-
istration, nationality, cargo, or crew, which that per-
son knows is materially false.

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

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

“(d) In this section—

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

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

“(3) the term ‘vessel subject to the jurisdiction of
the United States’ has the meaning given the term in
section 2 of the Maritime Drug Law Enforcement Act
(46 U.S.C. App. 1903); and

“(4) the term ‘vessel of the United States’ has the
meaning given the term in section 2 of the Maritime

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

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

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

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

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

(1) in subsection (a)—

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

(B) in paragraphs (2)—

(i) by inserting “, passenger vessel,”
after “transportation vehicle”; and
(ii) by inserting “or owner of the passenger vessel” after “transportation provider” each place that term appears;

(C) in paragraph (3)—

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

(ii) by inserting “or owner of the passenger vessel” after “transportation provider” each place that term appears;

(D) in paragraph (5)—

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

(ii) by inserting “or owner of the passenger vessel” after “transportation provider”; and

(E) in paragraph (6), by inserting “or owner of a passenger vessel” after “transportation provider” each place that term appears;

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

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and
(B) by inserting after paragraph (5) the following:

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

SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

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

“§ 2282. Knowing discharge or release

“(a) ENDANGERMENT OF HUMAN LIFE.—A person who knowingly discharges or releases oil, hazardous material, a noxious liquid substance, or any other dangerous substance into navigable waters or onto the adjoining shoreline with the intent to endanger human life, or health, or welfare shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other
dangerous substance into navigable waters or onto the adjacent shoreline with the intent to endanger the marine environment shall be fined under this title, imprisoned not more than 30 years, or both.

“(c) DEFINITIONS.—In this section:

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

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

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

“(4) NAVIGABLE WATERS.—The term ‘navigable waters’ has the meaning given the term in section 1362(7) of title 33, United States Code, and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

“(5) NOXIOUS LIQUID SUBSTANCE.—The term ‘noxious liquid substance’ has the meaning given the term in the MARPOL Protocol defined in section 2(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).
“(6) OIL.—The term ‘oil’ has the meaning given
the term in section 1321(a)(1) of title 33, United
States Code; and

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

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

“2282. Knowing discharge or release.”.

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

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

“(a) A person who knowingly places, or causes to be
placed, in navigable waters of the United States, by any
means, a device or dangerous substance which is likely to
destroy or cause damage to a vessel or its cargo, cause inter-
ference with the safe navigation of vessels, or interference
with maritime commerce (such as by damaging or destroy-
ing marine terminals, facilities, or any other marine struc-
ture or entity used in maritime commerce) with the intent
of causing such destruction or damage, interference with the
safe navigation of vessels, or interference with maritime
commerce shall be fined under this title, imprisoned for any
term of years or for life, or both.

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

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

“(d) In this section:

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

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

(2) TECHNICAL AND CONFORMING AMEND-
MENT.—The table of sections for chapter 111 of title
18, United States Code, as amended by subsection (b),
is further amended by adding after the item related 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.”.

(d) VIOLENCE AGAINST MARITIME NAVIGATION.—

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

“§2282B. Violence against aids to maritime navigation

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b)
and (d) is further amended by adding after the item related to section 2282A the following:

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

SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

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

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

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

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

“(c) DEFINITIONS.—In this section:
“(1) **Biological Agent.**—The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

“(2) **By-Product Material.**—The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

“(3) **Chemical Weapon.**—The term ‘chemical weapon’ has the meaning given that term in section 229F(1).

“(4) **Explosive or Incendiary Device.**—The term ‘explosive or incendiary device’ has the meaning given the term in section 232(5).

“(5) **Nuclear Material.**—The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

“(6) **Radioactive Material.**—The term ‘radioactive material’ means—

“(A) source material and special nuclear material, but does not include natural or depleted uranium;

“(B) nuclear by-product material;

“(C) material made radioactive by bombardment in an accelerator; or

“(D) all refined isotopes of radium.
“(8) Source Material.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

“(9) Special Nuclear Material.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

§2284. Transportation of terrorists

“(a) In General.—Any person who knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) Defined Term.—In this section, the term ‘terrorist’ means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).”.

(b) Technical and Conforming Amendment.—The table of sections for chapter 111 of title 18, United States Code, as amended by section 5, is further amended by adding at the end the following:
“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.
“2284. Transportation of terrorists.”.

SEC. 7. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

“Sec.
“2290. Jurisdiction and scope.
“2291. Destruction of vessel or maritime facility.
“2292. Imparting or conveying false information.
“2293. Bar to prosecution.

“§ 2290. Jurisdiction and scope

“(a) Jurisdiction.—There is jurisdiction over an offense under this chapter if the prohibited activity takes place—

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

“(2) outside United States and—

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

“(B) the activity involves a vessel in which a national of the United States was on board; or
“(C) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

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

§ 2291. Destruction of vessel or maritime facility

“(a) OFFENSE.—Whoever willfully—

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

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 31(a)(3), in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;
“(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

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

“(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any
vessel or any passenger or cargo carried or intended
to be carried on any vessel;

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

“(9) attempts or conspires to do anything pro-
hibited under paragraphs (1) through (8),

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

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

“(c) PENALTY.—Whoever is fined or imprisoned under
subsection (a) as a result of an act involving a vessel that,
at the time of the violation, carried high-level radioactive
waste (as that term is defined in section 2(12) of the Nu-
clear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or
spent nuclear fuel (as that term is defined in section 2(23)
10101(23)), shall be fined under this title, imprisoned for
a term up to life, or both.
“(d) Penalty When Death Results.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the prohibited conduct, if the conduct resulted in the death of any person, shall be subject also to the death penalty or to a term of imprisonment for a period up to life.

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

§2292. Imparting or conveying false information

“(a) In General.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

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

“(c) JURISDICTION.—

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

“(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 111 of this title, to which the imparted or conveyed false information relates, as applicable.

“§ 2293. Bar to prosecution

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

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

“(2) such conduct is prohibited as a misdemeanor, and not as a felony, under the law of the State in which it was committed.

“(b) DEFINITIONS.—In this section:
“(1) LABOR DISPUTE.—The term ‘labor dispute’ has the same meaning given that term in section 13(c) of the Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (29 U.S.C. 113(c), commonly known as the Norris-LaGuardia Act).

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

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

“111A. Destruction of, or interference with, vessels or maritime facilities 2290”.

SEC. 8. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

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

(B) by inserting “air cargo container,” after “aircraft,”; and
(C) by inserting “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”; (2) in the fifth undesignated paragraph, by striking “one year” and inserting “3 years”; and (3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.”.

(b) STOLEN VESSELS.— (1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following: “‘Vessel’ means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.”.

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—
(A) **TRANSPORTATION.**—Section 2312 of title 18, United States Code, is amended by striking “motor vehicle or aircraft” and inserting “motor vehicle, vessel, or aircraft”.

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

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

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

(e) **REPORTING OF CARGO THEFT.**—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime
Reporting System, or any successor system, by no later than December 31, 2005.

SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) Reporting, Entry, Clearance Requirements.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

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

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

and

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

(b) Criminal Penalty.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended—

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

and

(2) by striking “$2,000” and inserting “$10,000”.

(c) Falsity or Lack of Manifest.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1))
is amended by striking “$1,000” in each place it occurs and inserting “$10,000”.

SEC. 10. STOWAWAYS ON VESSELS OR AIRCRAFT.

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

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

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

“(3) if an individual commits an act proscribed
by this section, with the intent to cause death, and if
the death of any person other than a participant oc-
curs as a result of a violation of this section, shall be
fined under this title, imprisoned for any number of
years or for life, or both.”.
SEC. 11. BRIBERY AFFECTING PORT SECURITY.

(a) In General.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

§ 226. Bribery affecting port security

(a) In General.—Whoever knowingly—

(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

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

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

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

(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and
“(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism, shall be fined under this title, imprisoned not more than 15 years, or both.

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

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

“226. Bribery affecting port security.”.
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.

A BILL

S. 378

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