

109TH CONGRESS  
1ST SESSION

# H. R. 2651

To reduce crime and terrorism at America's seaports, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. SCHIFF (for himself and Mr. COBLE) introduced the following bill; which  
was referred to the Committee on the Judiciary

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## A BILL

To reduce crime and terrorism at America's seaports, 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,*

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;

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

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

5 “(3) any secure or restricted area of any sea-  
 6 port, designated as secure in an approved security  
 7 plan, as required under section 70103 of title 46,  
 8 United States Code, and the rules and regulations  
 9 promulgated under that section; or”;

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

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

14 (4) by striking the section heading and insert-  
 15 ing the following:

16 **“§ 1036. Entry by false pretenses to any real property,**  
 17 **vessel, or aircraft of the United States or**  
 18 **secure area of any airport or seaport”.**

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 20 The table of sections for chapter 47 of title 18 is amended  
 21 by striking the matter relating to section 1036 and insert-  
 22 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 **“§ 26. Definition of seaport**

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

13 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
 14 The table of sections for chapter 1 of title 18 is amended  
 15 by inserting after the matter relating to section 25 the  
 16 following:

“26. Definition of seaport.”.

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

20 (a) OFFENSE.—Chapter 109 of title 18, United  
 21 States Code, is amended by adding at the end the fol-  
 22 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 or  
15 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 materially 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 Secretary of Homeland Security, or the authority

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

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

9 “(d) In this section—

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

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

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

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

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 paragraphs (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.**

4 (a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chap-  
5 ter 111 of title 18, United States Code, as amended by  
6 subsection (a), is further amended by adding at the end  
7 the following:

8 **“§ 2282A. Devices or dangerous substances in waters**  
9 **of the United States likely to destroy or**  
10 **damage Ships or to interfere with mari-**  
11 **time commerce**

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

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



1 “(c) Nothing in this section shall be construed to  
 2 apply to otherwise lawfully authorized and conducted ac-  
 3 tivities of the United States Government.

4 “(d) In this section:

5 “(1) The term ‘dangerous substance’ means  
 6 any solid, liquid, or gaseous material that has the  
 7 capacity to cause damage to a vessel or its cargo, or  
 8 cause interference with the safe navigation of a ves-  
 9 sel.

10 “(2) The term ‘device’ means any object that,  
 11 because of its physical, mechanical, structural, or  
 12 chemical properties, has the capacity to cause dam-  
 13 age to a vessel or its cargo, or cause interference  
 14 with the safe navigation of a vessel.”.

15 (2) TECHNICAL AND CONFORMING AMEND-  
 16 MENT.—The table of sections for chapter 111 of  
 17 title 18, United States Code, as amended by sub-  
 18 section (b), is further amended by adding after the  
 19 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 com-  
 merce.”.

20 (b) VIOLENCE AGAINST MARITIME NAVIGATION.—

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

1 **“§ 2282B. Violence against aids to maritime naviga-**  
 2 **tion**

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

14 (2) TECHNICAL AND CONFORMING AMEND-  
 15 MENT.—The table of sections for chapter 111 of  
 16 title 18, United States Code, as amended by sub-  
 17 sections (b) and (d) is further amended by adding  
 18 after the item related to section 2282A the fol-  
 19 lowing:

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

20 **SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND**  
 21 **TERRORISTS.**

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

1   **“§ 2283. Transportation of explosive, biological, chem-**  
2                   **ical, or radioactive or nuclear materials**

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

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

17           “(c) DEFINITIONS.—In this section:

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

21                   “(2) BY-PRODUCT MATERIAL.—The term ‘by-  
22 product material’ has the meaning given that term  
23 in section 11(e) of the Atomic Energy Act of 1954  
24 (42 U.S.C. 2014(e)).

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

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

7           “(5) NUCLEAR MATERIAL.—The term ‘nuclear  
8       material’ has the meaning given that term in section  
9       831(f)(1).

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

12               “(A) source material and special nuclear  
13       material, but does not include natural or de-  
14       pleted uranium;

15               “(B) nuclear by-product material;

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

18               “(D) all refined isotopes of radium.

19          “(8) SOURCE MATERIAL.—The term ‘source  
20       material’ has the meaning given that term in section  
21       11(z) of the Atomic Energy Act of 1954 (42 U.S.C.  
22       2014(z)).

23          “(9) SPECIAL NUCLEAR MATERIAL.—The term  
24       ‘special nuclear material’ has the meaning given that

1 term in section 11(aa) of the Atomic Energy Act of  
 2 1954 (42 U.S.C. 2014(aa)).

3 **“§ 2284. Transportation of terrorists**

4 “(a) IN GENERAL.—Any person who knowingly and  
 5 intentionally transports any terrorist aboard any vessel  
 6 within the United States and on waters subject to the ju-  
 7 risdiction of the United States or any vessel outside the  
 8 United States and on the high seas or having United  
 9 States nationality, knowing that the transported person  
 10 is a terrorist, shall be fined under this title, imprisoned  
 11 for any term of years or for life, or both.

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

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 17 The table of sections for chapter 111 of title 18, United  
 18 States Code, as amended by section 5, is further amended  
 19 by adding at the end the following:

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

“2284. Transportation of terrorists.”.

20 **SEC. 7. DESTRUCTION OF, OR INTERFERENCE WITH, VES-**  
 21 **SELS OR MARITIME FACILITIES.**

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

1 **“CHAPTER 111A—DESTRUCTION OF, OR**  
2 **INTERFERENCE WITH, VESSELS OR**  
3 **MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

4 **“§ 2290. Jurisdiction and scope**

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

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

10 “(2) outside United States and—

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

15 “(B) the activity involves a vessel in which  
16 a national of the United States was on board;  
17 or

18 “(C) the activity involves a vessel of the  
19 United States (as that term is defined under  
20 section 2 of the Maritime Drug Law Enforce-  
21 ment Act (46 U.S.C. App. 1903).

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

4 **“§ 2291. Destruction of vessel or maritime facility**

5 “(a) OFFENSE.—Whoever willfully—

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

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

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

21 “(4) interferes by force or violence with the op-  
22 eration of any maritime facility, including any aid to  
23 navigation, lock, canal, or vessel traffic service facil-  
24 ity or equipment, if such action is likely to endanger  
25 the safety of any vessel in navigation;

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

9           “(6) 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          “(7) 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(h)(3), in, upon, or  
16          near, any appliance, structure, property, machine, or  
17          apparatus, or any facility or other material used, or  
18          intended to be used, in connection with the oper-  
19          ation, maintenance, loading, unloading, or storage of  
20          any vessel or any passenger or cargo carried or in-  
21          tended to be carried on any vessel;

22          “(8) 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               “(9) attempts or conspires to do anything pro-  
4       hibited under paragraphs (1) through (8),  
5       shall be fined under this title, 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  
10      transportation of hazardous materials regulated and al-  
11      lowed to be transported under chapter 51 of title 49.

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

21      “(d) PENALTY WHEN DEATH RESULTS.—Whoever is  
22      convicted of any crime prohibited by subsection (a) and  
23      intended to cause death by the prohibited conduct, if the  
24      conduct resulted in the death of any person, shall be sub-

1 ject also to the death penalty or to a term of imprisonment  
2 for a period up to life.

3 “(e) THREATS.—Whoever willfully imparts or con-  
4 veys any threat to do an act which would violate this chap-  
5 ter, with an apparent determination and will to carry the  
6 threat into execution, shall be fined under this title, im-  
7 prisoned not more than 5 years, or both, and is liable for  
8 all costs incurred as a result of such threat.

9 **“§ 2292. Imparting or conveying false information**

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

19 “(b) MALICIOUS CONDUCT.—Whoever willfully and  
20 maliciously, or with reckless disregard for the safety of  
21 human life, imparts or conveys or causes to be imparted  
22 or conveyed false information, knowing the information to  
23 be false, concerning an attempt or alleged attempt to do  
24 any act which would be a crime prohibited by this chapter

1 or by chapter 111 of this title, shall be fined under this  
 2 title, imprisoned not more than 5 years, or both.

3 “(c) JURISDICTION.—

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

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

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

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

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

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

22 (1) in the first undesignated paragraph—

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

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

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

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

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

18 (b) STOLEN VESSELS.—

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

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

1           (2) TRANSPORTATION AND SALE OF STOLEN  
2       VESSELS.—

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

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

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

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

24      (e) REPORTING OF CARGO THEFT.—The Attorney  
25   General shall take the steps necessary to ensure that re-

1 ports of cargo theft collected by Federal, State, and local  
 2 officials are reflected as a separate category in the Uni-  
 3 form Crime Reporting System, or any successor system,  
 4 by no later than December 31, 2005.

5 **SEC. 9. INCREASED PENALTIES FOR NONCOMPLIANCE**  
 6 **WITH MANIFEST REQUIREMENTS.**

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

10 (1) striking “or aircraft pilot” and inserting  
 11 “aircraft pilot, operator, owner of such vessel, vehi-  
 12 cle or aircraft, or any other responsible party (in-  
 13 cluding non-vessel operating common carriers)”;

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

16 (3) striking “\$10,000” and inserting  
 17 “\$25,000”.

18 (b) CRIMINAL PENALTY.—Section 436(c) of the Tar-  
 19 iff Act of 1930 (19 U.S.C. 1436(c)) is amended—

20 (1) by striking “or aircraft pilot” and inserting  
 21 “aircraft pilot, operator, owner of such vessel, vehi-  
 22 cle, or aircraft, or any other responsible party (in-  
 23 cluding non-vessel operating common carriers)”;

24 (2) by striking “\$2,000” and inserting  
 25 “\$10,000”.

1 (c) FALSITY OR LACK OF MANIFEST.—Section  
 2 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.  
 3 1584(a)(1)) is amended by striking “\$1,000” in each  
 4 place it occurs and inserting “\$10,000”.

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

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

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

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

22 “(3) if an individual commits an act proscribed  
 23 by this section, with the intent to cause death, and  
 24 if the death of any person other than a participant  
 25 occurs as a result of a violation of this section, shall

1       be fined under this title, imprisoned for any number  
2       of years or for life, or both.”.

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

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

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

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

9               “(1) directly or indirectly, corruptly gives, of-  
10       fers, or promises anything of value to any public or  
11       private person, with intent to commit international  
12       terrorism or domestic terrorism (as those terms are  
13       defined under section 2331), to—

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

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

23               “(2) directly or indirectly, corruptly demands,  
24       seeks, receives, accepts, or agrees to receive or ac-



1       cept anything of value personally or for any other  
2       person or entity in return for—

3               “(A) being influenced in the performance  
4               of any official act affecting any secure or re-  
5               stricted area or seaport; and

6               “(B) knowing that such influence will be  
7               used to commit, or plan to commit, inter-  
8               national or domestic terrorism,

9       shall be fined under this title, imprisoned not more than  
10     15 years, or both.

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

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

“226. Bribery affecting port security.”.

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