

108TH CONGRESS  
1ST SESSION

# S. 1587

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2003

Mr. BIDEN (for himself, Mr. SPECTER, Mr. HOLLINGS, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reducing Crime and  
5 Terrorism at America’s Seaports Act of 2003”.

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

2 (a) IN GENERAL.—Section 1036 of title 18, United  
3 States Code, is amended—

4 (1) in subsection (a)—

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

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

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

11 “(3) any secure area of any seaport; or”;

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

14 (3) in subsection (c)—

15 (A) in paragraph (1), by striking “and”;

16 (B) in paragraph (2), by striking the pe-  
17 riod and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(3) the term ‘seaport’ means any structure or  
20 facility of any kind located in, on, under, or adjacent  
21 to any waters subject to the jurisdiction of the  
22 United States.”; and

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

25 (b) TECHNICAL AND CONFORMING AMENDMENT.—

26 The table of sections for chapter 47 of title 18 is amended

1 by striking the matter relating to section 1036 and insert-  
 2 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.”.

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  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing:

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

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

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

20 “(A) forcibly assault, resist, oppose, prevent,  
 21 impede, intimidate, or interfere with a boarding or  
 22 other law enforcement action authorized by any Fed-  
 23 eral law, or to resist a lawful arrest; or

1           “(B) provide information to a Federal law en-  
2           forcement officer during a boarding of a vessel re-  
3           garding the vessel’s destination, origin, ownership,  
4           registration, nationality, cargo, or crew, which that  
5           person knows is false.

6           “(b) This section does not limit the authority of a  
7           customs officer under section 581 of the Tariff Act of  
8           1930 (19 U.S.C. 1581), or any other provision of law en-  
9           forced or administered by the Customs Service, or the au-  
10          thority of any Federal law enforcement officer under any  
11          law of the United States, to order a vessel to stop or heave  
12          to.

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

19          “(d) In this section—

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

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

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

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

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

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

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

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

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

20           (1) in subsection (a)—

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

23                   (B) in paragraphs (2)—

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

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

6 (C) in paragraph (3)—

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

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

13 (D) in paragraph (5)—

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

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

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

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

24 (3) in subsection (c)—

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

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

5 “(6) the term “passenger vessel” has the mean-  
6 ing given that term in sections 2101(22) and 2102  
7 of title 46, United States Code.”.

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

12 (a) VIOLENCE AGAINST MARITIME NAVIGATION.—  
13 Section 2280(a) of title 18, United States Code, is amend-  
14 ed—

15 (1) in paragraph (1)—

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

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

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

23 “(F) destroys, damages, alters, moves, or  
24 tampers with any aid to maritime navigation  
25 maintained by the Saint Lawrence Seaway De-

1           velopment Corporation under the authority of  
2           section 4 of the Act of May 13, 1954 (33  
3           U.S.C. 984), by the Coast Guard pursuant to  
4           section 81 of title 14, United States Code, or  
5           lawfully maintained under authority granted by  
6           the Coast Guard pursuant to section 83 of title  
7           14, United States Code, if such act endangers  
8           or is likely to endanger the safe navigation of  
9           a ship;” and

10           (2) in paragraph (2) by striking “(C) or (E)”  
11           and inserting “(C), (E), or (F)”.

12           (b) PLACEMENT OF DESTRUCTIVE DEVICES.—

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

16           **“§ 2280A. Devices or substances in waters of the**  
17                           **United States likely to destroy or damage**  
18                           **ships or to interfere with maritime com-**  
19                           **merce**

20           “(a) A person who knowingly places, or causes to be  
21           placed, in waters subject to the jurisdiction of the United  
22           States, by any means, a device or substance which is likely  
23           to destroy or cause damage to a vessel or its cargo, or  
24           cause interference with the safe navigation of vessels, or  
25           interference with maritime commerce, with the intent of

1 causing such destruction or damage, or interference with  
 2 the safe navigation of vessels or with maritime commerce,  
 3 shall be fined under this title, imprisoned for any term  
 4 of years or for life, or both; and if the death of any person  
 5 results from conduct prohibited under this subsection,  
 6 may be punished by death.

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

10 (2) TECHNICAL AND CONFORMING AMEND-  
 11 MENT.—The table of sections for chapter 111 of  
 12 title 18, United States Code, is amended by adding  
 13 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.”.

14 (c) MALICIOUS DUMPING.—

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

18 **“§ 2282. Knowing discharge or release**

19 “(a) ENDANGERMENT OF HUMAN LIFE.—Any per-  
 20 son who knowingly discharges or releases oil, a hazardous  
 21 material, a noxious liquid substance, or any other sub-  
 22 stance into the navigable waters of the United States or  
 23 the adjoining shoreline with the intent to endanger human  
 24 life, health, or welfare shall be fined under this title and

1 imprisoned for any term of years or for life; and if the  
2 death of any person results from conduct prohibited by  
3 this subsection, shall be punished by death or imprisoned  
4 for a term of years or for life.

5       “(b) ENDANGERMENT OF MARINE ENVIRONMENT.—  
6 Any person who knowingly discharges or releases oil, a  
7 hazardous material, a noxious liquid substance, or any  
8 other substance into the navigable waters of the United  
9 States or the adjacent shoreline with the intent to endan-  
10 ger the marine environment shall be fined under this title,  
11 imprisoned not more than 30 years, or both.

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

13               “(1) DISCHARGE.—The term ‘discharge’ means  
14 any spilling, leaking, pumping, pouring, emitting,  
15 emptying, or dumping.

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

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

22               “(4) NAVIGABLE WATERS.—The term ‘navi-  
23 gable waters’ has the meaning given the term in sec-  
24 tion 1362(7) of title 33, and also includes the terri-

1       torial sea of the United States as described in Presi-  
2       dential Proclamation 5928 of December 27, 1988.

3               “(5) NOXIOUS LIQUID SUBSTANCE.—The term  
4       ‘noxious liquid substance’ has the meaning given the  
5       term in the MARPOL Protocol defined in section  
6       2(1) of the Act to Prevent Pollution from Ships (33  
7       U.S.C. 1901(a)(3)).

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

“2282. Knowing discharge or release.”.

12   **SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND**  
13               **TERRORISTS OR TERROR SUSPECTS.**

14       (a) TRANSPORTATION OF DANGEROUS MATERIALS  
15   AND TERROR SUSPECTS.—Chapter 111 of title 18, as  
16   amended by section 5 of this Act, is amended by adding  
17   at the end the following:

18   **“§ 2283. Transportation of explosive, biological, chem-**  
19               **ical, or radioactive or nuclear materials**

20       “(a) IN GENERAL.—Any person who knowingly and  
21   willfully transports aboard any vessel an explosive or in-  
22   cendiary device, biological agent, chemical weapon, or ra-  
23   dioactive or nuclear material, knowing that any such item  
24   is intended to be used to commit a Federal crime of ter-  
25   rorism, shall be fined under this title, imprisoned for any

1 term of years or for life, or both; and if the death of any  
2 person results from conduct prohibited by this subsection,  
3 may be punished by death.

4 “(b) DEFINITIONS.—In this section:

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

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

12 “(3) CHEMICAL WEAPON.—The term ‘chemical  
13 weapon’ has the meaning given that term in section  
14 229F.

15 “(4) EXPLOSIVE OR INCENDIARY DEVICE.—The  
16 term ‘explosive or incendiary device’ has the mean-  
17 ing given the term in section 235(5).

18 “(5) FEDERAL CRIME OF TERRORISM.—The  
19 term ‘Federal crime of terrorism’ has the meaning  
20 given that term in section 2332b(g).

21 “(6) NUCLEAR MATERIAL.—The term ‘nuclear  
22 material’ has the meaning given that term in section  
23 831(f)(1).

24 “(7) RADIOACTIVE MATERIAL.—The term ‘ra-  
25 dioactive material’ means—

1           “(A) source material and special nuclear  
2 material, but does not include natural or de-  
3pleted uranium;

4           “(B) nuclear by-product material;

5           “(C) material made radioactive by bom-  
6bardment in an accelerator; or

7           “(D) all refined isotopes of radium.

8           “(8) SOURCE MATERIAL.—The term ‘source  
9 material’ has the meaning given that term in section  
10 11(z) of the Atomic Energy Act of 1954 (42 U.S.C.  
11 2014(z)).

12           “(9) SPECIAL NUCLEAR MATERIAL.—The term  
13 ‘special nuclear material’ has the meaning given that  
14 term in section 11(aa) of the Atomic Energy Act of  
15 1954 (42 U.S.C. 2014(aa)).

16 **“§ 2284. Transportation of terrorists or terror sus-**  
17 **pects**

18           “(a) IN GENERAL.—Any person who knowingly and  
19 willfully transports aboard any vessel any terrorist or ter-  
20ror suspect shall be fined under this title, imprisoned for  
21 any term of years or for life, or both.

22           “(b) DEFINED TERM.—In this section, the term ‘ter-  
23rorist or terror suspect’ means any person who intends  
24 to commit, or is avoiding apprehension after having com-

mitted, a Federal crime of terrorism (as that term is defined under section 2332b(g)).”.

(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 or terror suspects.”.

**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 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. Penalty when death results.

“2293. Imparting or conveying false information.

“2294. 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 or within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

1           “(A) an offender or a victim is a citizen of  
2           the United States;

3           “(B) a citizen of the United States was on  
4           board a vessel to which this chapter applies; or

5           “(C) the activity involves a vessel of the  
6           United States.

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

10 **“§ 2291. Destruction of vessel or maritime facility**

11           “(a) OFFENSE.—Whoever willfully—

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

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

22           “(3) sets fire to, damages, destroys, or disables  
23 or places a destructive device or substance in, upon,  
24 or in proximity to, any maritime facility, including  
25 but not limited to, any aid to navigation, lock, canal,

1 or vessel traffic service facility or equipment, or  
2 interferes by force or violence with the operation of  
3 such facility, if such action is likely to endanger the  
4 safety of any vessel in navigation;

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

13 “(5) performs an act of violence against or in-  
14 capacitates any individual on any vessel, if such act  
15 of violence or incapacitation is likely to endanger the  
16 safety of the vessel or those on board;

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

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

6           “(8) attempts or conspires to do anything pro-  
7 hibited under paragraphs (1) through (7):  
8 shall be fined under this title or imprisoned not more than  
9 20 years, or both.

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

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

1 **“§ 2292. Penalty when death results**

2 “Whoever is convicted of any crime prohibited by this  
3 chapter, which has resulted in the death of any person,  
4 shall be subject also to the death penalty or to imprison-  
5 ment for life.

6 **“§ 2293. Imparting or conveying false information**

7 “(a) IN GENERAL.—Whoever imparts or conveys or  
8 causes to be imparted or conveyed false information,  
9 knowing the information to be false, concerning an at-  
10 tempt or alleged attempt being made or to be made, to  
11 do any act which would be a crime prohibited by this chap-  
12 ter or chapter 2, 97, or 111 of this title, shall be subject  
13 to a civil penalty of not more than \$5,000, which shall  
14 be recoverable in a civil action brought in the name of  
15 the United States.

16 “(b) MALICIOUS CONDUCT.—Whoever willfully and  
17 maliciously, or with reckless disregard for the safety of  
18 human life, imparts or conveys or causes to be imparted  
19 or conveyed false information, knowing the information to  
20 be false, concerning an attempt or alleged attempt to do  
21 any act which would be a crime prohibited by this chapter,  
22 or by chapter 2, 97, or 111 of this title, shall be fined  
23 under this title, imprisoned not more than 5 years, or  
24 both.

25 “(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 **“§ 2294. 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           “(2) such conduct is prohibited under the law  
16 of the State in which it was committed.

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

18           “(1) LABOR DISPUTE.—The term ‘labor dis-  
19 pute’ has the same meaning as in section 113(e) of  
20 the Norris-LaGuardia Act (29 U.S.C. 113(e)).

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

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

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

5 **SEC. 8. CARRYING A WEAPON OR EXPLOSIVE ON A VESSEL**  
 6 **OR AT A SEAPORT.**

7 (a) IN GENERAL.—Title 18, United States Code, is  
 8 amended by striking section 2277 and inserting the fol-  
 9 lowing:

10 **“§ 2277. Carrying a weapon or explosive on a vessel**  
 11 **or at a seaport**

12 “(a) GENERAL CRIMINAL PENALTY.—An individual  
 13 shall be fined under title 18, imprisoned for not more than  
 14 10 years, or both, if the individual—

15 “(1) when on, or attempting to get on a vessel,  
 16 or within the area of any seaport, knowingly pos-  
 17 sesses a dangerous weapon, explosive, incendiary de-  
 18 vice, or loaded firearm on or about the property of  
 19 the individual; or

20 “(2) has knowingly placed, attempted to place,  
 21 or attempted to have placed a dangerous weapon, ex-  
 22 plosive, incendiary device, or loaded firearm on that  
 23 vessel, or at that seaport.

24 “(b) CRIMINAL PENALTY INVOLVING DISREGARD  
 25 FOR HUMAN LIFE.—An individual who willfully and with-

1 out regard for the safety of human life, or with reckless  
2 disregard for the safety of human life, violates subsection  
3 (b), shall be fined under title 18, imprisoned for not more  
4 than 15 years, or both, and if death results to any person,  
5 shall be imprisoned for a term of years or for life.

6 “(c) NONAPPLICATION.—

7 “(1) IN GENERAL.—Subsection (b) of this sec-  
8 tion shall not apply to—

9 “(A) the personnel of the Armed Forces of  
10 the United States, or to officers or employees of  
11 the United States or of a State or of a political  
12 subdivision thereof, while acting in the perform-  
13 ance of their duties, who are authorized by law  
14 or by rules or regulations to own or possess any  
15 such weapon or explosive;

16 “(B) another individual the Under Sec-  
17 retary for Border and Transportation Security  
18 of the Department of Homeland Security by  
19 regulation authorizes to carry a dangerous  
20 weapon on board a vessel or at a seaport; or

21 “(C) any person employed on a vessel  
22 who—

23 “(i) possesses items otherwise prohib-  
24 ited under subsection (b) that are used in

1 the course of performing duties within the  
2 scope of employment of that individual;

3 “(ii) has obtained the permission of  
4 the owner or master of the vessel to carry  
5 such items on the vessel; and

6 “(iii) has obtained the permission of  
7 the captain of the seaport to carry such  
8 items at the seaport.

9 “(2) **LAWFUL SHIPMENT OF EXPLOSIVE OR IN-**  
10 **CENDIARY DEVICE.**—Subsection (b)(3) shall not  
11 apply to any person who is engaged in the lawful  
12 shipment of any explosive or incendiary device.

13 “(d) **CONSPIRACY.**—If 2 or more persons conspire to  
14 violate subsection (b) or (c), and 1 or more of such persons  
15 do any act to effect the object of the conspiracy, each of  
16 the parties to such conspiracy shall be punished as pro-  
17 vided in such subsection.

18 “(e) **DEFINITIONS.**—In this section:

19 “(1) **DANGEROUS WEAPON.**—The term ‘dan-  
20 gerous weapon’ has the meaning given that term in  
21 section 930(g)(2) of title 18;

22 “(2) **EXPLOSIVE AND INCENDIARY DEVICE.**—  
23 The terms ‘explosive’ and ‘incendiary device’ have  
24 the meanings given such terms in section 232(5) of  
25 title 18; and

1           “(3) LOADED FIREARM.—The term ‘loaded fire-  
 2           arm’ means a starter gun or a weapon designed to  
 3           expel a projectile through an explosive, that has a  
 4           cartridge, a detonator, or powder in the chamber,  
 5           magazine, cylinder, or clip.”.

6           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 7           The table of sections for chapter 111 of title 18 is amend-  
 8           ed by striking the matter relating to section 2277 and in-  
 9           serting the following:

          “2277. Carrying a weapon or explosive on a vessel or at a seaport.”.

10       **SEC. 9. CARGO THEFT DATA COLLECTION.**

11           (a) IN GENERAL.—The Attorney General shall issue  
 12           regulations to—

13               (1) require the reporting of a cargo theft of-  
 14               fense to the Attorney General by the carrier, facility,  
 15               or cargo owner with custody of the cargo at the time  
 16               of the offense, as soon as such carrier, facility, or  
 17               cargo owner becomes aware of the offense, with such  
 18               reports to contain information regarding the offense  
 19               as specified in the regulations, including the port of  
 20               entry, the port where the shipment originated, and  
 21               where the theft occurred, to the extent such informa-  
 22               tion is available to the reporting party;

23               (2) create a database to contain the reports  
 24               made under paragraph (1) and integrate them, to  
 25               the extent feasible, with other non-criminal justice

1 and intelligence data, such as a bill of lading, cargo  
2 contents and value, point of origin, and lienholder  
3 filings; and

4 (3) prescribe procedures for access to the data-  
5 base created under paragraph (2) by appropriate  
6 Federal, State, and local governmental agencies,  
7 while protecting the privacy of the information in ac-  
8 cordance with other applicable Federal laws.

9 (b) MODIFICATION OF DATABASES.—

10 (1) IN GENERAL.—United States Government  
11 agencies with significant regulatory or law enforce-  
12 ment responsibilities at United States ports shall, to  
13 the extent feasible, modify their information data-  
14 bases to ensure the collection and retrievability of  
15 data relating to crime and terrorism and related ac-  
16 tivities at or affecting United States ports.

17 (2) DESIGNATION OF COVERED AGENCIES.—

18 The Attorney General, after consultation with the  
19 Secretary of the Treasury and the Secretary of  
20 Transportation, shall designate the agencies included  
21 within the requirement of paragraph (1).

22 (c) OUTREACH PROGRAM.—The Attorney General, in  
23 consultation with the Secretary of the Treasury, the Sec-  
24 retary of Transportation, the National Maritime Security  
25 Advisory Committee established under section 70112 of

1 title 46, United States Code, and appropriate Federal and  
2 State agencies, shall establish an outreach program to—

3 (1) work with State and local law enforcement  
4 officials to harmonize the reporting of data on cargo  
5 theft among the States, localities and with the  
6 United States Government's reports; and

7 (2) work with local port security committees to  
8 disseminate cargo theft information to appropriate  
9 law enforcement officials.

10 (d) VIOLATION OF REGULATIONS.—

11 (1) IN GENERAL.—Notwithstanding any other  
12 provision of law, and in addition to any penalties  
13 that may be available under any other provision of  
14 law, any person or entity who is found by the Attor-  
15 ney General, after notice and an opportunity for a  
16 hearing, to have violated the regulations promul-  
17 gated pursuant to section 9(a)(1), shall be liable to  
18 the United States for a civil penalty, not to exceed  
19 \$25,000 for each violation, except that the maximum  
20 penalty for any party's first violation shall not ex-  
21 ceed \$7,500.

22 (2) CONTINUING VIOLATIONS.—Each day of a  
23 continuing violation shall constitute a separate viola-  
24 tion.

1           (3) NOTICE OF ASSESSMENT OF PENALTY.—

2           The amount of such civil penalty shall be assessed  
3           by the Attorney General, or his designee, by written  
4           notice.

5           (4) CALCULATION OF PENALTY.—In deter-  
6           mining the amount of such penalty, the Secretary  
7           shall take into account the nature, circumstances,  
8           extent and gravity of the prohibited acts committed  
9           and, with respect to the violator, the degree of culpa-  
10          bility, any history of prior offenses, ability to pay,  
11          and such other matters as justice may require.

12          (5) MODIFICATION OF PENALTIES.—The Attor-  
13          ney General may compromise, modify, or remit, with  
14          or without conditions, any civil penalty which is sub-  
15          ject to imposition or which has been imposed under  
16          this section.

17          (6) ENFORCEMENT OF ASSESSMENTS.—If a  
18          person or entity fails to pay an assessment of a civil  
19          penalty after it has become final, the Attorney Gen-  
20          eral may collect such assessments in any appropriate  
21          district court of the United States.

22          (e) ANNUAL REPORT.—The Attorney General shall  
23          submit an annual report on the implementation of this sec-  
24          tion to the Committees on the Judiciary of the Senate and  
25          the House of Representatives.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Attorney General  
3 such sums as are necessary for each of the fiscal years  
4 2003 through 2007 to carry out the requirements of this  
5 section, such sums to remain available until expended.

6 **SEC. 10. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**  
7 **OR VESSELS.**

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

11 (1) in the first undesignated paragraph—

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

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

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

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

22 (3) by inserting after the first sentence in the  
23 eighth undesignated paragraph the following: “For  
24 purposes of this section, goods and chattel shall be  
25 construed to be moving as an interstate or foreign

1 shipment at all points between the point of origin  
2 and the final destination (as evidenced by the waybill  
3 or other shipping document of the shipment), re-  
4 gardless of any temporary stop while awaiting  
5 transshipment or otherwise.”.

6 (b) STOLEN VESSELS.—

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

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

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

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

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

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

13 **SEC. 11. INCREASED PENALTIES FOR NONCOMPLIANCE**  
14 **WITH MANIFEST REQUIREMENTS.**

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

18 (1) striking “or aircraft pilot” and inserting “,  
19 aircraft pilot, operator, or owner of such vessel, vehi-  
20 cle, or aircraft,”;

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

22 and

23 (3) striking “\$10,000” and inserting  
24 “\$25,000”.

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

4           (c) FALSITY OR LACK OF MANIFEST.—Section  
5 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.  
6 1584(a)(1)) is amended by striking “\$1,000” in each  
7 place it occurs and inserting “\$10,000”.

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