



MEMORANDUM

June 23, 2014

To: Crime, Terrorism, Homeland Security & Investigations Subcommittee (H. Judiciary)
Attention: Ms. Caroline Lynch

From: Alison M. Smith, Legislative Attorney, x76054
Richard M. Thompson II, Legislative Attorney, x78449

Subject: **Criminal Offenses Enacted from 2008 – 2013**

This memorandum provides an examination of new offenses added to the United States Code from 2008 to 2013. Four hundred and thirty nine (439) offenses were added during this period.

This information was compiled by searching the LexisNexis *United States Code Service* database using the following search strategy: history(2008 or 2009 or 2010 or 2011 or 2012 or 2013) and text(prison! or imprison! or fine! or felony or misdemeanor or (knowing! or willful! w/5 violat!)). Please note, our research was limited in several ways. First, while we have made an effort to make the provided information fully inclusive, there is the possibility that some relevant statutes were not identified using our search terms. For example, our search may not include statutes that might reference another statute that details the penalty for a particular crime or statutes that might not explicitly give a penalty. Second, we did not run searches in other versions of the Code to catch potential database irregularities. Third, we did not search the *Code of Federal Regulations* to identify regulatory crimes. Finally, we did not attempt to identify crimes that may have been enacted and eliminated during the time frame searched.

The following parameters were used in determining a new offense:

- New class of victims
- New means of committing crime
- New jurisdiction
- New attempts
- New conspiracy with no overt act requirement

Excluded items include:

- Amendments to Federal Rules of Evidence
- Amendments to Federal Rules of Criminal Procedure
- Uniform Code of Military Justice
- Tribal or territorial codes
- Code of Federal Regulations
- New laws that simply increase the penalties for existing crimes

Below, please find a list of the U.S. Code citation; for each statute we identified along with the number of added crimes and a brief description of the crimes.

Please note that the research in this memorandum may be used to respond to future congressional requests; in any case, the confidentiality of your request will be maintained.

7 U.S.C. § 13-1: Agriculture – Commodity Exchanges

- a. 1 new crime
- b. Criminalizes dealings in motion picture box office receipts

16 U.S.C. § 470aaa-5: Removing, exchanging, or selling paleontological resource located on federal lands

- a. 7 new crimes
- b. Criminalizes (1) excavating or removing paleontological resource (+ attempt); (2) exchange of paleontological resource (+ attempt); (3) selling or purchasing paleontological resource (+ attempt); and (4) false labeling of paleontological resource

18 U.S.C. § 39A: Aiming a laser pointer at an aircraft

- a. 1 new crime
- b. Criminalizes aiming the beam of a laser pointer at an aircraft

18 U.S.C. § 42: Importation or shipment of injurious mammals

- a. 1 new crime (new fish banned)
- b. Criminalizes importation of specified mammals, birds, fish, etc.

18 U.S.C. § 48: Animal crush videos

- a. 1 new crime (video distributed interstate)
- b. Criminalizes creating an animal crush video distributed interstate

18 U.S.C. § 113: Assaults within maritime and territorial jurisdiction

- a. 2 new crimes (assault + attempt)
- b. Criminalizes assault of a spouse, intimate partner, or dating partner by strangulation + attempt

18 U.S.C. § 116: Female genital mutilation

- a. 2 new crimes (transportation + attempt)
- b. Criminalizes transportation of a person from the U.S. and its territories in foreign commerce for purposes of committing mutilation

18 U.S.C. § 119: Protection of individuals performing certain official duties

- a. 2 new crimes
- b. Criminalizes disclosure of personal information relating to federal employees, witnesses, informants, and others with intent to threaten
- c. Criminalizes disclosure of such personal information with intent and knowledge that it will be used for unlawful act

18 U.S.C. § 227: Wrongfully influencing a private entity's employment decision by a Member of Congress or an officer or employee of the legislative or executive branch

- a. 1 new crime (adds any executive branch employee)
-

- b. Criminalizes taking, withholding, offering or threatening to withhold or take an official act in order to influence

18 U.S.C. § 249: Hate crime acts

- a. 4 new crimes (2 attempts)
- b. Criminalizes causing bodily injury to any person using specified items because of an individual's actual or perceived race, color, religion, or national origin (+ attempt)
- c. Criminalizes, under specified circumstances, causing bodily injury to any person using enumerated items because of an individual's actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability (+ attempt)

18 U.S.C. § 351: Congressional, cabinet, and Supreme Court assassination, kidnapping, and assault; penalties

- a. 14 new crimes (2 new protected officers: National Intelligence Director and Principal Deputy Director)
- b. Criminalizes (1) assassination (+ attempt and conspiracy), (2) kidnapping (+ attempt and conspiracy), and (3) assault

18 U.S.C. § 555: Border tunnels and passages

- a. 6 new crimes (added attempt and conspiracy for 3 substantive offenses)
- b. Criminalizes attempts or conspiracies regarding (1) construction, (2) financing the construction of, or (3) use of a tunnel or passage to engage in prohibited acts

18 U.S.C. § 670: Theft of medical products

- a. 15 new crimes (5 substantive plus attempt and conspiracy for each)
- b. Criminalizes certain conduct concerning a pre-retail medical product ((1) stealing, (2) altering labeling, (3) receipt of stolen products, (4) acquiring stolen product with intent to defraud, or (5) distributing stolen product with intent to defraud)

18 U.S.C. § 930: Possession of firearms and dangerous weapons in Federal facilities

- a. 2 new crimes (dangerous weapon) (1 attempt)
- b. Criminalizes possession or attempt to possess a firearm or other dangerous weapon in a Federal court facility

18 U.S.C. § 1014: Loan and credit applications generally; renewals and discounts; crop insurance

- a. 1 new crime (new victim: mortgage lending businesses)
- b. Criminalizes making any false statement or report to enumerated entities

18 U.S.C. § 1030: Fraud and related activity in connection with computers

- a. 10 new crimes (2 substantive offenses (+ 2 attempt); 6 new conspiracy offenses)
 - b. Hacking a protected computer (i.e., one used in or affecting interstate commerce) (expands coverage + attempt)
 - c. Damage of protected computer (more inclusive definitions of loss and damage) (+ attempt)
 - d. Conspiracy to commit section's substantive offenses
 - (1) espionage
 - (2) hacking and acquiring information
 - (3) simple hacking
 - (4) fraud
 - (5) damage
 - (6) trafficking in access
-

(7) extortion

18 U.S.C. § 1031: Major fraud against the United States

- a. 4 new crimes (expands 2 procurement fraud offenses to fraud related to U.S. grants, loans, guarantees, insurance and the like plus 1 attempt for each)
- b. Criminalizes (1) defrauding or (2) obtaining money by false pretenses in relation to any form of federal largess

18 U.S.C. § 1032: Concealment of assets from conservator, receiver, or liquidating agent

- a. 2 new crimes (new victim (financial institutions))
- b. Criminalizes concealing or endeavoring to conceal an asset or property from enumerated entities acting as conservators or receivers

18 U.S.C. § 1040: Fraud in connection with major disaster or emergency benefits

- a. 9 new crimes (3 jurisdictional bases, 3 disaster victims)
- b. Fraud in connection with Stafford Act disaster declaration
 - (1) authorization or payment of the benefit is in or affects interstate or foreign commerce
 - (2) the authorization or payment of the benefit is mailed
 - (3) the benefit is a U.S. thing of value
- c. Fraud in connection with Stafford Act emergency declaration
 - (1) authorization or payment of the benefit is in or affects interstate or foreign commerce
 - (2) the authorization or payment of the benefit is mailed
 - (3) the benefit is a U.S. thing of value
- d. Fraud in connection with U.S. procurement relating to any disaster or emergency declaration
 - (1) authorization or payment of the benefit is in or affects interstate or foreign commerce
 - (2) the authorization or payment of the benefit is mailed
 - (3) the benefit is a U.S. thing of value

18 U.S.C. § 1091: Genocide

- a. 6 new crimes (adds conspiracy for 6 substantive crimes)
- b. Criminalizes enumerative activities intended to destroy, a national, ethnic, racial, or religious group
 - (1) kills members of the group
 - (2) seriously injures members of the group
 - (3) permanently impairs mental capacity of members of the group by drugs, torture or the like
 - (4) subjects group to living conditions designed eradicate in whole or part
 - (5) imposes birth prevention measures upon the group
 - (6) forcibly transfers children out of the group

18 U.S.C. § 1347: Health care fraud

- a. 6 new crimes (reduced mens rea; 2 substantive with an attempt and conspiracy for each)
- b. Defraud another in relation to a health care benefit program (+ attempt and conspiracy)
- c. Obtain property by misrepresentation in connection with a health care benefit program (+ attempt and conspiracy)

18 U.S.C. § 1348: Securities and commodities fraud

- a. 4 new crimes (adds commodities fraud to existing securities fraud offenses + attempt)
 - b. Defraud another in relation to commodities (+ attempt and conspiracy)
 - c. Obtain property by misrepresentation in connection with commodities (+ attempt and conspiracy)
-

-
- 18 U.S.C. § 1351: Fraud in foreign labor contracting
- a. 6 new crimes (2 substantive (fraudulently induced labor in the U.S. or overseas) with an attempt for each))
 - b. Criminalizes misrepresentations designed to induce individuals to work for the federal government in the U.S. or overseas
- 18 U.S.C. § 1389: Prohibitions on attacks on United States servicemen on account of service
- a. 2 new crimes (assault and property destruction)
 - b. Criminalizes assaults on or property destruction of a U.S. service member or immediate family member based on military service
- 18 U.S.C. § 1510: Obstruction of criminal investigations
- a. 1 new crime (expanded to include administrative or trial subpoenas)
 - b. Criminalizes notifying an individual regarding a forthcoming subpoena
- 18 U.S.C. § 1521: Retaliating against a Federal law enforcement officer by false claim or slander of title
- a. 3 new crimes (1 substantive, 1 conspiracy, and 1 attempt)
 - b. Criminalizes bad faith or retaliatory filings of false notices of liens or encumbrance
- 18 U.S.C. § 1583: Enticement into slavery
- a. 2 new crimes (1 substantive (obstruction) and 1 attempt)
 - b. Criminalizes obstruction
- 18 U.S.C. § 1584: Sale into involuntary servitude
- a. 2 new crimes (1 substantive (obstruction) and 1 attempt)
 - b. Criminalizes obstruction
- 18 U.S.C. § 1589: Forced labor
- a. 4 new crimes
 - b. Criminalizes profiting from enumerated violations involving obtaining labor or services of another
 - (1) by force or physical restraint
 - (2) by inflicting or threatening serious harm
 - (3) by abuse of legal process
 - (4) by means of a scheme to induce another to believe that failure to provide labor or serious will result in serious harm or physical restraint
- 18 U.S.C. 1590: Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
- a. 2 new crimes (1 substantive (obstruction) and 1 attempt)
 - b. Criminalizes obstruction
- 18 U.S.C. § 1591: Sex trafficking of children or by force, fraud, or coercion
- a. 3 new crimes
 - b. Criminalizes recruiting, enticing, providing, harboring, maintaining, or transporting a person or to benefit from causing a person to engage in a commercial sex act
- 18 U.S.C. § 1592: Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor
- a. 2 new crimes (1 substantive and 1 attempt)
-

- b. Criminalizes obstruction and attempts to obstruct

18 U.S.C. § 1593A: Benefitting financially from peonage, slavery, and trafficking in persons

- a. 3 new crimes
- b. Criminalizes profiting from violations of sections 1581(a)(peonage), 1592 (trafficking related document abuse) or 1595(a)(civil remedy)(sic)

18 U.S.C. § 1594: General provisions relating to trafficking

- a. 6 new crimes (6 conspiracies)
- b. Criminalizes conspiracy to violate 18 U.S.C. §§ 1581 (peonage), 1583 (enticing into slavery), 1589 (forced labor), 1590 (human trafficking), 1591 (sex trafficking) or 1592 (trafficking related document abuse).

18 U.S.C. § 1597: Unlawful conduct with respect to immigration documents

- a. 4 new crimes
- b. Hold or destroy another's immigration documents
 - (1) during the course of violating 18 U.S.C. § 1351 or 8 U.S.C. § 1324 (fraud in foreign labor contracting)
 - (2) with intent to violate 18 U.S.C. § 1351 or 8 U.S.C. § 1324
 - (3) in order to control the work or services of another
- c. Obstructs enforcement of the section

18 U.S.C. § 1716E: Tobacco products as nonmailable

- a. 1 new crime
- b. Criminalizes mailing cigarettes and smokeless tobacco

18 U.S.C. § 1752: Restricted building or grounds

- a. 3 new crimes (reduces mens rea for unlawful entry (+ attempt and conspiracy))
- b. Knowingly unlawfully enters or remains in any restricted building or grounds (+ attempt and conspiracy)

18 U.S.C. § 1791: Providing or possessing contraband in prison

- a. 4 new crimes; adds new type of contraband (cell phone) to 2 offenses (+ attempt)
- b. Providing cell phones to federal inmates (+ attempt)
- c. Possession of cell phones by federal inmates (+ attempt)

18 U.S.C. § 1832: Theft of trade secrets

- a. 9 new crimes (expands jurisdiction to include trade secret involving a product or service intended for use in interstate or foreign commerce)
- b. steals trade secrets (+ attempt and conspiracy)
- c. alters or destroys trade secrets (+ attempt and conspiracy)
- d. receives stolen trade secrets (+ attempt and conspiracy)

18 U.S.C. § 1956: Financial laundering transactions

- a. 78 new crimes; redefines proceeds; adds three new predicate offenses (18 U.S.C. 2252A (child pornography), 2260 (oversea production of U.S. destined child pornography), 555 (border tunnels))
 - b. Conduct a financial transaction with the gross receipts of a money laundering predicate offense
 - (1) knowing that the funds stem from some form of unlawful activity
 - (2) with the intent to promote further money laundering predicate offenses (+ attempt)
-

- (3) with the intent to evade taxation (+ attempt)
 - (4) knowing the transaction is design to launder (+attempt)
 - (5) knowing the transaction is designed to avoid a reporting requirement (+attempt)
 - c. Sending funds to, from, or through the U.S.
 - (1) involving money laundering predicate offense gross receipts and knowing the transaction is
 - (2) design to launder (+ attempt)
 - (3) involving money laundering predicate offense gross receipts and knowing the transaction is
 - (4) designed to avoid a reporting requirement (+ attempt)
 - d. Conduct a financial transaction with the proceeds of a RICO/money laundering predicate offense
 - (1) with the intent to promote further RICO or money laundering predicate offenses (+ attempt)
 - (2) knowing the transaction is design to launder (+ attempt)
 - (3) knowing the transaction is designed to avoid a reporting requirement (+ attempt)
 - e. Conduct a financial transaction with the proceeds of a 18 U.S.C. 2252A violation
 - (1) knowing that the funds stem from some form of unlawful activity
 - (2) with the intent to promote further money laundering predicate offenses (+ attempt)
 - (3) with the intent to evade taxation (+ attempt)
 - (4) knowing the transaction is design to launder (+attempt)
 - (5) knowing the transaction is designed to avoid a reporting requirement (+attempt)
 - e. Sending funds to, from, or through the U.S.
 - (1) with the intent to promote 18 U.S.C. 2252A violation (+ attempt)
 - (2) involving 18 U.S.C. 2252A violation funds and knowing the transaction is design to launder (+ attempt)
 - (3) involving 18 U.S.C. 2252A violation funds and knowing the transaction is designed to avoid a reporting requirement (+ attempt)
 - f. Conduct a financial transaction with the proceeds of a 18 U.S.C. 2252A violation
 - (1) with the intent to promote further RICO or money laundering predicate offenses (+ attempt)
 - (2) knowing the transaction is designed to launder (+ attempt)
 - (3) knowing the transaction is designed to avoid a reporting requirement (+ attempt)
 - g. Conduct a financial transaction with the proceeds of a 18 U.S.C. 2260 violation
 - (1) knowing that the funds stem from some form of unlawful activity
 - (2) with the intent to promote further money laundering predicate offenses (+ attempt)
 - (3) with the intent to evade taxation (+ attempt)
 - (4) knowing the transaction is designed to launder (+attempt)
 - (5) knowing the transaction is designed to avoid a reporting requirement (+attempt)
 - h. Sending funds to, from, or through the U.S.
 - (1) with the intent to promote 18 U.S.C. 2260 violation (+ attempt)
 - (2) involving 18 U.S.C. 2252A violation funds and knowing the transaction is
 - (3) designed to launder (+ attempt)
 - (4) involving 18 U.S.C. 2252A violation funds and knowing the transaction is
 - (5) designed to avoid a reporting requirement (+ attempt)
 - i. Conduct a financial transaction with the proceeds of a 18 U.S.C. 22560 violation
 - (1) with the intent to promote further RICO or money laundering predicate offenses (+ attempt)
 - (2) knowing the transaction is designed to launder (+ attempt)
 - (3) knowing the transaction is designed to avoid a reporting requirement (+ attempt)
-

- j. Conduct a financial transaction with the proceeds of a 18 U.S.C. 555 violation
 - (1) knowing that the funds stem from some form of unlawful activity
 - (2) with the intent to promote further money laundering predicate offenses (+ attempt)
 - (3) with the intent to evade taxation (+ attempt)
 - (4) knowing the transaction is design to launder (+attempt)
 - (5) knowing the transaction is designed to avoid a reporting requirement (+attempt)
- k. Sending funds to, from, or through the U.S.
 - (1) with the intent to promote 18 U.S.C. 555 violation (+ attempt)
 - (2) involving 18 U.S.C. 555 violation funds and knowing the transaction is
 - (3) designed to launder (+ attempt)
 - (4) involving 18 U.S.C. 555 violation funds and knowing the transaction is
 - (5) designed to avoid a reporting requirement (+ attempt)
- l. Conduct a financial transaction with the proceeds of a 18 U.S.C. 555 violation
 - (1) with the intent to promote further money laundering predicate offenses (+ attempt)
 - (2) knowing the transaction is design to launder (+ attempt)
 - (3) knowing the transaction is designed to avoid a reporting requirement (+ attempt)

18 U.S.C. § 1957: Engaging in monetary transaction in property derived from a money laundering (predicate offense 18 U.S.C. 1956 predicates and redefinition of gross receipts applies)

- a. 8 new crimes (4 substantive and 4 attempt)
- b. Monetary transactions involving gross receipts (+ attempt)
- c. Monetary transactions involving proceeds from 18 U.S.C. 2252A offenses (+ attempt)
- d. Monetary transactions involving proceeds from 18 U.S.C. 2260 offenses (+ attempt)
- e. Monetary transactions involving proceeds from 18 U.S.C. 555 (+ attempt)

18 U.S.C. § 1961: RICO Definitions

- a. 26 new crimes (adds 18 U.S.C. 1351 (fraud in foreign labor contracting) to the RICO predicate list) (RICO predicates are also money laundering predicates)
- b. Acquire an interest in an enterprise that affects commerce using the income secured through the patterned commission of RICO predicate offenses (+ conspiracy)
- c. Acquire an interest in an enterprise that affects commerce through the patterned commission of RICO predicate offenses (+ conspiracy)
- d. Conduct the affairs of an enterprise that affects commerce through the patterned commission of RICO predicate offenses (+ conspiracy)
- e. Conduct a financial transaction with the proceeds of a RICO/money laundering predicate offense
 - (1) knowing that the funds stem from some form of unlawful activity
 - (2) with the intent to promote further RICO or money laundering predicate offenses (+ attempt)
 - (3) with the intent to evade taxation (+ attempt)
 - (4) knowing the transaction is designed to launder (+attempt)
 - (5) knowing the transaction is designed to avoid a reporting requirement (+attempt)
- f. Sending funds to, from, or through the U.S.
 - (1) with the intent to promote RICO or money laundering predicate offenses (+ attempt)
 - (2) involving RICO/money laundering predicate offense funds and knowing the transaction is
 - (3) design to launder (+ attempt)
 - (4) involving RICO/money laundering predicate offense funds and knowing the transaction is
 - (5) designed to avoid a reporting requirement (+ attempt)
- g. Conduct a financial transaction with the proceeds of a RICO/money laundering predicate offense

- (1) with the intent to promote further RICO or money laundering predicate offenses (+ attempt)
- (2) knowing the transaction is designed to launder (+ attempt)
- (3) knowing the transaction is designed to avoid a reporting requirement (+ attempt)
- h. Engage in a monetary transaction involving more than \$10,000 derived from a RICO/money laundering predicate offense (+ attempt)

18 U.S.C. § 2237: Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

- a. 3 new crimes
- b. Reduced the mens rea requirement in the penalty section from intentionally to knowingly for the crimes of
 - (1) failure to heave to
 - (2) forcible interfere
 - (3) make a false statement

18 U.S.C. 2251: Child pornography (exploitation)

- a. 48 new offenses (3 new jurisdictional elements for each of 4 substantive offenses; 2 new jurisdictional elements for each 2 substantive offenses; + attempt and conspiracy for each)
 - b. Using a child to produce child pornography
 - (1) with knowledge it will be transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (2) when the material used to produce it has been transported by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (3) when the child pornography has been transported or transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - c. Using a child to transmit child pornography
 - (1) with knowledge it will be transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (2) when the material used to produce it has been transported by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (3) when the child pornography has been transported or transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - d. A parent permitting a child to engage in sexual conduct in order to produce child pornography
 - (1) with knowledge it will be transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (2) when the material used to produce it has been transported by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (3) when the child pornography has been transported or transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - e. A parent permitting a child to engage in sexual conduct in order to transmit child pornography
 - (1) with knowledge it will be transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (2) when the material used to produce it has been transported by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (3) when the child pornography has been transported or transmitted by means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - f. Giving notice of a willingness to receive or distribute child pornography
 - (1) knowing the notice will be transported using a means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
-

- (2) the notice is transported using a means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
- g. Giving notice of a willingness to participate in the production of child pornography
 - (1) knowing the notice will be transported using a means in or affecting interstate or foreign commerce (+ attempt and conspiracy)
 - (2) the notice is transported using a means in or affecting interstate or foreign commerce (+ attempt and conspiracy)

18 U.S.C. 2251A: Transfer of child custody or control in relation to child pornography

- a. 12 new crimes (2 new jurisdictional elements for 6 existing crimes)
- b. Offer to transfer of custody or control knowing a child will be used in relation to child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce
- c. Offer to transfer custody or control with the intent to promote use of the victim in child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce
- d. Offer to transfer custody or control with the intent to promote assistance in the production of child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce
- e. Offer to acquire custody or control knowing a child will be used in relation to child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce
- f. Offer to acquire custody or control with the intent to promote use of the victim in child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce
- g. Offer to acquire custody or control with the intent to promote assistance in the production of child pornography
 - (1) involving travel of the child or offender in or affecting interstate or foreign commerce
 - (2) involving transmission of the offer by means in or affecting interstate or foreign commerce

18 U.S.C. § 2252: Child pornography (exploitation)

- a. 24 new crimes (2 new substantive offenses, 4 new jurisdictional elements, + attempt and conspiracy for each)
 - b. Transports child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
 - c. Distributes child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
 - d. Receives child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
-

- e. Possesses with intent to sell child pornography transported using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- f. Access with intent to view child pornography in U.S. special maritime or territorial jurisdiction (+ attempt and conspiracy)
- g. Access with the intent to view or possession child pornography that has been transported using a means that affects interstate or foreign commerce (+ attempt and conspiracy)

18 U.S.C. § 2252A: Virtual child pornography offenses (new jurisdictional element: affects commerce)

- a. 27 new crimes (9 substantive + 9 attempts + 9 conspiracies)
- b. Transports child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- c. Distributes child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- d. Distributes material that contains child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- e. Reproduces child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- f. Advertises child pornography or purported child pornography using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- g. Possesses with intent to sell child pornography transported using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- h. Possesses material containing child pornography that has been transported using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- i. Distributes to a minor child pornography that has been transported using a means that affects interstate or foreign commerce (+ attempt and conspiracy)
- j. Produces with intent to distribute child pornography depicting an identifiable child using a means that affects interstate or foreign commerce (+ attempt and conspiracy)

18 U.S.C. § 2261: Interstate domestic violence

- a. 1 new crime
- b. Violation by one present in the U.S. special maritime or territorial jurisdiction

18 U.S.C. § 2262: Interstate violation of a protection order

- a. 1 new crime
- b. Violation by one present in U.S. special maritime or territorial jurisdiction

18 U.S.C. § 2285: High seas navigation of an unflagged submersible or semi-submersible vessel

- a. 4 new crimes
- b. Operating (+ attempt and conspiracy without an overt act element)
- c. Embark aboard

18 U.S.C. § 22314: Interstate transportation of stolen property

- a. 1 new crime
- b. Transportation of stolen veterans memorial object in interstate or foreign commerce

18 U.S.C. § 22315: Receipt of stolen property

- a. 1 new crime
- b. Receipt of stolen veterans memorial object transported in interstate or foreign commerce

18 U.S.C. § 2320: Trafficking in counterfeit goods or services

- a. 5 new crimes
-

- b. Trafficking in a counterfeit drug
- c. Conspiring to traffic in a counterfeit drug
- d. Conspiring to traffic in goods or services with a counterfeit mark
- e. Conspiracy to traffic in labels to which a counterfeit mark will be attached
- f. Conspiracy to traffic in counterfeit military goods or services

18 U.S.C. § 2339A: Providing material support for terrorist crimes

- a. 2 new crimes (2 new predicate offenses)
- b. Providing material support for a violation of 18 U.S.C.1091(relating to genocide)
- c. Providing material support for a violation of 18 U.S.C. 2442 (relating to child soldiers)

18 U.S.C. § 2423: Sex with children overseas

- a. 3 new crimes
- b. Sex with a child while residing overseas (+ attempt and conspiracy)

18 U.S.C. § 2442: Recruitment or use of child soldiers

- a. 6 new crimes
- b. Recruiting child soldiers (+ attempt and conspiracy)
- c. Using child soldiers (+ attempt and conspiracy)

19 U.S.C. § 1590: Aviation Smuggling

- a. 6 new crimes (3 attempt and 3 conspiracy with no overt act requirement for two existing crimes)

19 U.S.C. § 1683f: Penalties for Importing Softwood Lumber

- a. 1 new crime
- b. Criminalizes importing softwood lumber or softwood lumber products that violates any other customs laws

19 U.S.C. § 2316: False Statements of Material Fact to Secretary of Labor

- a. 2 new crimes
- b. Making false statement to Secretary of Labor as part of investigation of a petition for trade adjustment assistance filed by workers
- c. Failing to disclose material fact to Secretary of Labor as part of investigation of a petition for trade adjustment assistance filed by workers

19 U.S.C. § 2349: False Statements of Material Fact to Secretary of Commerce

- a. 2 new crimes
- b. Making false statement to Secretary of Commerce as part of investigation of a petition for trade adjustment assistance by a firm
- c. Failing to disclose material fact to Secretary of Commerce as part of investigation of a petition for trade adjustment assistance filed by a firm

21 U.S.C. § 333: Penalties – Federal Food, Drug, and Cosmetic Act

- a. 4 new crimes
 - b. Knowingly and intentionally adulterating a drug such that:
 - (1) it consists of filthy, putrid, or decomposed substance
 - (2) the strength or quality differs from the official compendium
-

- (3) the purity or quality falls below that which it purports to possess
- (4) it has been mixed or packed so as to reduce its quality or strength

21 U.S.C. § 842: Prohibited Acts

- a. 2 new crimes
- b. Failure to self-certify with Attorney General as required under 21 U.S.C. § 830
- c. Distributing scheduled listed chemical product to person not registered with the Drug Enforcement Agency

21 U.S.C. § 843: Prohibited Acts

- a. 1 new crime
- b. Use of Internet to advertise the sale of a controlled substance

22 U.S.C. § 2778: Control of Arms and Exports

- a. 1 new crime
- b. Violation of bilateral export agreement pursuant to 22 U.S.C. § 2778(j)(1)(C)(i) or any rule or regulation issued to implement such a treaty

26 U.S.C. § 7275: Internal Revenue Code

- a. 1 new crime
- b. Criminalizes disclosure of non-tax charges

29 U.S.C. § 1131: Protection of employee benefit rights – Regulatory Provisions – Administration and Enforcement

- a. 1 new crime
- b. Criminalizes false statements and representations concerning “multiple employer welfare arrangement” plans

33 U.S.C. § 3851: Navigation and navigable waters – Clean Hulls

- a. 5 new crimes
- b. Criminalizes certain actions regarding antifouling systems
 - (1) selling or distributing in domestic or international commerce organotin
 - (2) manufacturing or using organotin to formulate an antifouling system;
 - (3) applying an antifouling system containing organotin on any applicable vessel;
 - (4) applying an antifouling system inconsistent with Convention provisions;
 - (5) prohibiting vessel hulls or outer surface to contain any antifouling system containing organotin unless vessel bears an overcoating

42 U.S.C. § 227: Social Security Act – General Provisions

- a. 2 new crimes
- b. Criminalizes a false or fraudulent claim for purposes of 31 U.S.C. § 3721
- c. Removes intent requirement (makes strict liability)

47 U.S.C. § 227: Telecommunications – Common Carrier Regulation

- a. 2 new crimes
 - b. Criminalizes causing any caller identification service to knowingly transmit misleading or inaccurate caller identification information with intent to
-

- (1) defraud or
- (2) cause harm

50 U.S.C. Appx § 527

- a. 1 new crime
 - b. Criminalizes violations of interest rate limitations
-