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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830

OFFERED BY MR. LUNGREN OF CALIFORNIA

Add at the end the following new title:

TITLE ____—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. __01. OPERATION OF SUBMERSIBLE OR SEMISUBMERSIBLE VESSEL WITHOUT NATIONALITY.

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

"§ 2285. Operation of submersible or semisubmersible vessel without nationality

"(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semisubmersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

"(b) OFFENSES.—

1 "(1) IN GENERAL.—Whoever knowingly or in-
2 tentionally operates by any means or embarks in any
3 submersible or semisubmersible vessel that is with-
4 out nationality and that is navigating or has navi-
5 gated into, through, or from waters beyond the outer
6 limit of the territorial sea of a single country or a
7 lateral limit of that country's territorial sea with an
8 adjacent country, shall be punished as prescribed in
9 subsection (g).
10 "(2) ATTEMPTS AND CONSPIRACIES.—Whoever
11 attempts or conspires to violate this section shall be
12 punished as prescribed in subsection (g).
13 "(c) EXTRATERRITORIAL JURISDICTION.—There is
14 extraterritorial Federal jurisdiction over the offenses de-
15 scribed in this section, including an attempt or conspiracy
16 to commit such offense.
17 "(d) CLAIM OF NATIONALITY OR REGISTRY.—
18 "(1) IN GENERAL.—A claim of nationality or
19 registry under this section includes only—
20 "(A) possession on board the vessel and
21 production of documents evidencing the vessel's
22 nationality as provided in article 5 of the 1958
23 Convention on the High Seas;
24 "(B) flying its nation's ensign or flag; or

1 "(C) a verbal claim of nationality or reg-
2 istry by the master or individual in charge of
3 the vessel.
4 "(2) FAILURE TO DISPLAY REGISTRY NUMBERS,
5 ENSIGN, OR FLAG.—The failure of any submersible
6 or semisubmersible vessel to display registry num-
7 bers or a national ensign or flag shall create a rebut-
8 table presumption that the vessel is without nation-
9 ality, as defined in this section.
10 "(e) FEDERAL ACTIVITIES.—Nothing in this section
11 applies to lawfully authorized activities carried out by or
12 at the direction of the United States Government.
13 "(f) APPLICABILITY OF OTHER PROVISIONS.—Sec-
14 tions 70504 and 70505 of title 46 apply to this section.
15 "(g) PENALTIES.—
16 "(1) VIOLATIONS.—A person violating this sec-
17 tion shall be fined under this title, imprisoned not
18 more than 20 years, or both.
19 "(2) CONSECUTIVE SENTENCE.—Notwith-
20 standing any other provision of law, a term of im-
21 prisonment imposed under this section shall be con-
22 secutive to the sentence of imprisonment for any
23 other offense.
24 "(h) DEFINITIONS.—In this section, the term—

1 "(1) 'submersible vessel' means a vessel that is
2 capable of operating below the surface of the water,
3 and includes manned and unmanned watercraft;
4 "(2) 'semisubmersible vessel' means any
5 watercraft constructed or adapted to be capable of
6 putting much of its bulk under the surface of the
7 water; and
8 "(3) 'vessel without nationality' has the same
9 meaning as in section 70502(d) of title 46.".
10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions for chapter 111 of title 18, United States Code, is
12 amended by adding at the end the following new item:

"2285. Operation of submersible or semisubmersible vessel without nationality.".