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

OFFERED BY Mr. Poe

At the end of the bill add the following new title:

TITLE ____—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE 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 semi-submersible vessel without nationality

"(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semi-submersible 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 semi-submersible 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 (h).
10 "(2) ATTEMPTS AND CONSPIRACIES.—Whoever
11 attempts or conspires to violate this section shall be
12 punished as prescribed in subsection (h).
13 "(c) DEFINITIONS.—In this section, the term—
14 "(1) 'submersible vessel' means a vessel that is
15 capable of operating below the surface of the water,
16 and includes manned and unmanned watercraft.
17 "(2) 'semi-submersible vessel' means any
18 watercraft constructed or adapted to be capable of
19 putting much of its bulk under the surface of the
20 water.
21 "(3) 'vessel without nationality' has the same
22 meaning as section 70502(d) of title 46.
23 "(d) EXTRATERRITORIAL JURISDICTION.—There is
24 extraterritorial Federal jurisdiction over the offenses de-

1 scribed in this section, including an attempt or conspiracy
2 to commit such offense.
3 "(e) CLAIM OF NATIONALITY OR REGISTRY.—
4 "(1) A claim of nationality or registry under
5 this section includes only—
6 "(A) possession on board the vessel and
7 production of documents evidencing the vessel's
8 nationality as provided in article 5 of the 1958
9 Convention on the High Seas;
10 "(B) flying its nation's ensign or flag; or
11 "(C) a verbal claim of nationality or reg-
12 istry by the master or individual in charge of
13 the vessel.
14 "(2) The failure of any submersible or semi-
15 submersible vessel to display registry numbers or a
16 national ensign or flag shall create a rebuttable pre-
17 sumption that the vessel is without nationality, as
18 defined in this section.
19 "(f) FEDERAL ACTIVITIES.—Nothing in this section
20 applies to lawfully authorized activities carried out by or
21 at the direction of the United States Government.
22 "(g) APPLICABILITY OF OTHER PROVISIONS.—Sec-
23 tions 70504 and 70505 of title 46 apply to this section.
24 "(h) PENALTIES.—

1 "(1) VIOLATIONS.—A person violating this sec-
2 tion shall be fined under this title, imprisoned not
3 more than 20 years, or both.
4 "(2) CONSECUTIVE SENTENCE.—Notwith-
5 standing any other provision of law, a term of im-
6 prisonment imposed under this section shall be con-
7 secutive to the sentence of imprisonment for any
8 other offense.".
9 (b) CONFORMING AMENDMENT.—The table of sec-
10 tions for chapter 111 of title 18, United States Code, is
11 amended by adding at the end the following new item:

"2285. Operation of submersible or semi-submersible vessel without nationality.".