

107TH CONGRESS
1ST SESSION

H. R. 3074

To amend title 18, United States Code, and the Revised Statutes of the United States to provide punishment for, and to authorize the issuance of letters of marque and reprisal against acts of air piracy.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2001

Mr. PAUL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, and the Revised Statutes of the United States to provide punishment for, and to authorize the issuance of letters of marque and reprisal against acts of air piracy.

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 “Air Piracy Reprisal
5 and Capture Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) That the terrorist attacks on September 11,
2 2001 were acts of air piracy contrary to the law of
3 nations.

4 (2) That the terrorist attacks were not just
5 criminal actions, but belligerent attacks designed to
6 destroy the sovereign independence of the United
7 States of America contrary to the law of nations.

8 (3) That the perpetrators of the terrorist at-
9 tacks were aided and abetted by enemy belligerents
10 contrary to the law of nations.

11 (4) That similar acts of air piracy are planned
12 for future execution by persons and organizations
13 enjoying safe harbor by nations contrary to the law
14 of nations.

15 (5) That the lives, liberties, and properties of
16 the American people have been taken, and are
17 threatened to be taken, by acts of air piracy con-
18 trary to the law of nations.

19 (6) That under Article I, section 8 of the
20 United States Constitution, Congress has the power
21 to define and punish piracies and other offenses
22 against the laws of nations.

23 (7) That under Article I, section 8 of the
24 United States Constitution, Congress has the powers

1 to grant letters of marque and reprisal and to make
2 rules concerning captures on land and water.

3 **SEC. 3. DEFINITIONS.**

4 (1) For the purpose of chapter 81, title 18,
5 United States Code, the term “piracy as defined by
6 the law of nations” means robbery on the high seas
7 and in the air.

8 (2) For the purposes of chapter 81, title 18,
9 United States Code, and chapter 7, title 33, United
10 States Code, terms “vessel” includes “aircraft” and
11 “port” include “airport”.

12 **SEC. 4. PUNISHMENTS FOR PIRACY.**

13 Chapter 81 of title 18, United States Code, is
14 amended—

15 (1) in section 1651—

16 (A) by inserting “or in the skies” after “on
17 the high seas”; and

18 (B) by inserting “or if death results, may
19 be sentenced to death” after “life”;

20 (2) in section 1652—

21 (A) by inserting “or in the skies” after “on
22 the high seas”; and

23 (B) by inserting “or, if death results may
24 be sentenced to death” after “life”;

25 (3) in section 1653—

1 (A) by inserting “on land, or in the sky”
2 after “on the sea”; and

3 (B) by inserting “or, if death results may
4 be sentenced to death” after “life”;

5 (4) in section 1654—

6 (A) by inserting “or within” after “with-
7 out”;

8 (B) by inserting “or any individual aboard
9 any such private vessel of war or privateer,
10 whether it be a ship or aircraft” after “pri-
11 vateer”;

12 (C) by striking “fined under this title or”;
13 and

14 (D) by striking “not more than ten years
15 or both.” and inserting “for life.”;

16 (5) in section 1655—

17 (A) by inserting “or an airman, including
18 steward, stewardess, pilot, copilot or other air-
19 plane officer” after “being a seaman”;

20 (B) by inserting “, including the pilot or
21 copilot of an aircraft” after “upon his com-
22 mander”;

23 (C) by inserting “or persons” after “or
24 goods”; and

1 (D) by inserting “or if death results, may
2 be sentenced to death” after “life”;

3 (6) in section 1656—

4 (A) by inserting “or being a captain, pilot,
5 or other officer or service member of an air-
6 craft” after “the United States,”;

7 (B) by inserting “or flies” after “runs”;
8 and

9 (C) by inserting “or if death results, may
10 be sentenced to death” after “fined under this
11 title”; and

12 (7) in section 1657—

13 (A) by inserting “or captain, pilot, copilot
14 or service member” after “mariner”;

15 (B) by inserting “or fly” after “run”;

16 (C) by inserting “or passenger” after
17 “merchandise”;

18 (D) by inserting “or in the skies” after
19 “upon the seas” both places it appears;

20 (E) by inserting “or being an airman con-
21 fines the pilot of any aircraft” after “of any
22 vessel”; and

23 (F) before the dash by striking “three”
24 and inserting “ten”.

1 **SEC. 5. SUPPRESSION OF PIRACY.**

2 (a) EXPANSION OF APPLICATION OF PIRACY
3 LAWS.—For purposes of sections 4293 through 4299b of
4 the Revised Statutes of the United States, as amended by
5 this Act, each of the terms “piratical aggressions and dep-
6 redation” and “act of piracy” includes all such aggress-
7 sions, depredations, and other such acts whether com-
8 mitted upon land or sea or in the air in relation to any
9 ship or aircraft.

10 (b) CONFORMING AMENDMENTS.—The Revised Stat-
11 utes of the United States are amended as follows:

12 (1) In section 4293 (33 U.S.C. 381)—

13 (A) by inserting “, including commercial
14 aircraft,” after “merchant vessels”; and

15 (B) by inserting “, or of the citizens there-
16 of,” after “the United States”.

17 (2) In section 4294 (33 U.S.C. 382), by insert-
18 ing “or in the skies” immediately after “upon the
19 high seas”.

20 (3) In section 4295 (33 U.S.C. 383)—

21 (A) by inserting “and lawful passengers”
22 after “crew”; and

23 (B) by inserting “, including commercial
24 aircraft,” after “merchant vessel”.

25 (4) In section 4298 (33 U.S.C. 386)—

1 (A) by striking “or the commanders of any
2 other suitable vessels,” and inserting “or the
3 commander or other leader of any other suit-
4 able entity operating under the authority of any
5 letters of marque and reprisal granted by Con-
6 gress”; and

7 (B) by inserting “, or, whether on the high
8 seas, in the skies or on land, subdue, seize, and
9 take persons and property, using such force as
10 may be necessary to defend the lives, liberties,
11 and property of the citizens of the United
12 States against piratical aggressions and deg-
13 radations, as authorized by any letter of
14 marque and reprisal granted by Congress” after
15 “that section”.

16 (c) TREATMENT OF PROPERTY AND PERSONS IDEN-
17 TIFIED IN LETTER OF MARQUE AND REPRISAL.—The Re-
18 vised Statutes of the United States are further amended
19 by inserting after section 4299 the following new sections:

20 “SEC. 4299a. Property identified as subject to seizure
21 under a duly issued letter of marque and reprisal shall
22 be deemed enemy property and subject to confiscation and
23 forfeiture, and further, shall be deemed the property of
24 the captors or of the United States in such proportions

1 as provided for in the letter of marque and reprisal pursu-
2 ant to which said property was seized.

3 “SEC. 4299b. Any person identified as subject to sei-
4 zure under a duly issued letter of marque and reprisal
5 shall be deemed an enemy belligerent of the United States
6 and subject to court-martial jurisdiction thereof for pun-
7 ishment of any violation of the laws of nations, such per-
8 son to be transferred into the custody of the United States
9 as provided for in the letter of marque and reprisal pursu-
10 ant to which such person was seized.”.

○