

110TH CONGRESS  
2D SESSION

# H. R. 6295

To amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2008

Mr. DANIEL E. LUNGREN of California (for himself and Mr. POE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OPERATION OF SUBMERSIBLE OR SEMI-SUB-**  
2 **MERSIBLE VESSEL WITHOUT NATIONALITY.**

3 (a) IN GENERAL.—Chapter 111 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 2285. Operation of submersible or semi-submers-**  
7 **ible vessel without nationality**

8 “(a) FINDINGS AND DECLARATIONS.—Congress  
9 finds and declares that operating or embarking in a sub-  
10 mersible or semi-submersible vessel without nationality  
11 and on an international voyage is a serious international  
12 problem, facilitates transnational crime, including drug  
13 trafficking, and terrorism, and presents a specific threat  
14 to the safety of maritime navigation and the security of  
15 the United States.

16 “(b) OFFENSES.—

17 “(1) IN GENERAL.—Whoever knowingly or in-  
18 tentiously operates by any means or embarks in any  
19 submersible or semi-submersible vessel that is with-  
20 out nationality and that is navigating or has navi-  
21 gated into, through or from waters beyond the outer  
22 limit of the territorial sea of a single country or a  
23 lateral limit of that country’s territorial sea with an  
24 adjacent country, shall be punished as prescribed in  
25 subsection (h).

1           “(2) ATTEMPTS AND CONSPIRACIES.—Whoever  
2 attempts or conspires to violate this section shall be  
3 punished as prescribed in subsection (h).

4           “(c) DEFINITIONS.—In this section, the term—

5           “(1) ‘submersible vessel’ means a vessel that is  
6 capable of operating below the surface of the water,  
7 and includes manned and unmanned watercraft.

8           “(2) ‘semi-submersible vessel’ means any  
9 watercraft constructed or adapted to be capable of  
10 putting much of its bulk under the surface of the  
11 water.

12           “(3) ‘vessel without nationality’ has the same  
13 meaning as section 70502(d) of title 46.

14           “(d) EXTRATERRITORIAL JURISDICTION.—There is  
15 extraterritorial Federal jurisdiction over the offenses de-  
16 scribed in this section, including an attempt or conspiracy  
17 to commit such offense.

18           “(e) CLAIM OF NATIONALITY OR REGISTRY.—

19           “(1) A claim of nationality or registry under  
20 this section includes only—

21           “(A) possession on board the vessel and  
22 production of documents evidencing the vessel’s  
23 nationality as provided in article 5 of the 1958  
24 Convention on the High Seas;

25           “(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) The failure of any submersible or semi-  
5           submersible vessel to display registry numbers or a  
6           national ensign or flag shall create a rebuttable pre-  
7           sumption that the vessel is without nationality, as  
8           defined in this section.

9           “(f) FEDERAL ACTIVITIES.—Nothing in this section  
10          applies to lawfully authorized activities carried out by or  
11          at the direction of the United States Government.

12          “(g) APPLICABILITY OF OTHER PROVISIONS.—Sec-  
13          tions 70504 and 70505 of title 46 apply to this section.

14          “(h) PENALTIES.—

15                 “(1) VIOLATIONS.—A person violating this sec-  
16                 tion shall be fined under this title, imprisoned not  
17                 more than 20 years, or both.

18                 “(2) CONSECUTIVE SENTENCE.—Notwith-  
19                 standing any other provision of law, a term of im-  
20                 prisonment imposed under this section shall be con-  
21                 secutive to the sentence of imprisonment for any  
22                 other offense.”.

23          (b) CONFORMING AMENDMENT.—The table of sec-  
24          tions for chapter 111 of title 18, United States Code, is  
25          amended by adding at the end the following new item:

“2285. Operation of submersible or semi-submersible vessel without nationality.”

