

Union Calendar No. 183

112TH CONGRESS
1ST SESSION

H. R. 2839

[Report No. 112-273, Part I]

To suppress the threat of piracy on the high seas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2011

Mr. LOBIONDO (for himself and Mr. MICA) introduced the following bill

SEPTEMBER 6, 2011

Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 10, 2011

Reported from the Committee on Transportation and Infrastructure

NOVEMBER 10, 2011

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To suppress the threat of piracy on the high seas, and
for other purposes.

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 “Piracy Suppression
5 Act of 2011”.

6 **SEC. 2. ACT OF PIRACY.**

7 Section 4297 of the Revised Statutes of the United
8 States (33 U.S.C. 385) is amended by striking so much
9 as precedes the text and inserting the following:

10 **“SEC. 4297. PENALTY FOR PIRACY; SEIZURE AND CON-**
11 **DEMATION OF VESSELS.**

12 “(a) PENALTY FOR PIRACY.—

13 “(1) CRIME.—Whoever commits an act of pi-
14 racy shall be punished by death or imprisoned for
15 life.

16 “(2) ACT OF PIRACY DEFINED.—In this sub-
17 section the term ‘act of piracy’ means—

18 “(A) any illegal act of violence, detention,
19 or depredation that is committed for private
20 ends by the crew or passengers of a private ves-
21 sel and directed against a vessel, person, or
22 property on the high seas or in any other place
23 outside the jurisdiction of any State; or

24 “(B) inciting or facilitating an act of pi-
25 racy, as defined in subparagraph (A); and

1 “(C) any act of voluntary participation in
2 the operation of a vessel with knowledge of
3 facts making it a pirate ship.

4 “(b) SEIZURE AND CONDEMNATION OF VESSELS
5 FITTED OUT FOR PIRACY.—”.

6 **SEC. 3. REIMBURSEMENT FOR ACTIONS TAKEN TO PRO-**
7 **TECT FOREIGN-FLAGGED VESSELS FROM PI-**
8 **RACY.**

9 (a) IN GENERAL.—Chapter 20 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 410. Reimbursement for actions taken to protect**
13 **foreign-flagged vessels from piracy**

14 “(a) IN GENERAL.—The Secretary of Defense shall,
15 in consultation with the Secretary of State, the Secretary
16 of Transportation, and the Secretary of the department
17 in which the Coast Guard is operating—

18 “(1) determine the full cost to the United
19 States of each action taken by the United States to
20 protect or defend a vessel that is not documented
21 under the laws of the United States from a pirate
22 attack, including the cost of each action by the
23 United States to deter such attack; and

24 “(2) seek reimbursement for such cost from the
25 country under the laws of which the vessel for which

1 protection or defense was provided is documented,
2 which shall be credited back to the appropriations
3 charged for such cost.

4 “(b) REIMBURSEMENTS.—Reimbursement under this
5 section may be waived if—

6 “(1) such country contributes military forces to
7 the Combined Maritime Forces’ Combined Task
8 Force–151 within 180 days of the action taken;

9 “(2) such country deploys military forces to the
10 Indian Ocean or Gulf of Aden to deter, prevent, or
11 defend vessels from pirate attack within 180 days of
12 the action taken;

13 “(3) such country assists in the prosecution or
14 detention of pirates; or

15 “(4) the President determines it is in the na-
16 tional security interest of the United States to do
17 so.”.

18 (b) CLERICAL AMENDMENT.—The analysis at the be-
19 ginning of such chapter is amended by adding at the end
20 the following new item:

“410. Reimbursement for actions taken to protect foreign-flagged vessels from piracy.”.

1 **SEC. 4. TRAINING PROGRAM FOR USE OF FORCE AGAINST**
2 **PIRACY.**

3 (a) IN GENERAL.—Chapter 517 of title 46, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 51705. Training program for use of force against**
7 **piracy**

8 “The Secretary of Transportation shall establish a
9 training program for United States mariners on the use
10 of force against pirates. The program shall include—

11 “(1) information on waters designated as high-
12 risk waters by the Commandant of the Coast Guard;

13 “(2) information on current threats and pat-
14 terns of attack by pirates;

15 “(3) tactics for defense of a vessel, including in-
16 struction on the types, use, and limitations of secu-
17 rity equipment;

18 “(4) standard rules for the use of force for self
19 defense as developed by the Secretary of the depart-
20 ment in which the Coast Guard is operating under
21 section 912(c) of the Coast Guard Authorization Act
22 of 2010 (Public Law 111–281; 46 U.S.C. 8107
23 note), including instruction on firearm safety for
24 crewmembers of vessels carrying cargo under section
25 55305 of this title; and

1 “(5) procedures to follow to improve crew-
2 member survivability if captured and taken hostage
3 by pirates.”.

4 (b) DEADLINE.—The Secretary of Transportation
5 shall establish the program required under the amendment
6 made by subsection (a) by no later than 180 days after
7 the date of enactment of this Act.

8 (c) CLERICAL AMENDMENT.—The analysis at the be-
9 ginning of such chapter is amended by adding at the end
10 the following new item:

 “51705. Training program for use of force against piracy.”.

11 **SEC. 5. SECURITY OF GOVERNMENT IMPELLED CARGO.**

12 Section 55305 of title 46, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(e) SECURITY OF GOVERNMENT IMPELLED
16 CARGO.—

17 “(1) In order to assure the safety of vessels and
18 crewmembers transporting equipment, materials, or
19 commodities under this section, the Secretary of
20 Transportation shall direct each department or
21 agency responsible for the carriage of such equip-
22 ment, materials, or commodities to provide armed
23 personnel aboard vessels of the United States car-
24 rying such equipment, materials, or commodities
25 while transiting high-risk waters.

1 “(2) The Secretary of Transportation shall di-
2 rect each such department or agency to reimburse,
3 subject to the availability or appropriations, the
4 owners or operators of such vessels for the cost of
5 providing armed personnel.

6 “(3) For the purposes of this subsection, the
7 term ‘high-risk waters’ means waters so designated
8 by the Commandant of the Coast Guard in the Port
9 Security Advisory in effect on the date on which the
10 voyage begins.”.

11 **SEC. 6. GAO STUDY.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall report to the Committee on Transportation and In-
15 frastructure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate on efforts to track ransom payments paid to pi-
18 rates operating in the waters off Somalia and improve the
19 prosecution of such pirates. The report shall include—

20 (1) the status of Working Group 5 of the Con-
21 tact Group on Piracy Off the Somali Coast, any ef-
22 forts undertaken by the Working Group, and rec-
23 ommendations for improving the Working Group’s
24 effectiveness;

1 (2) efforts undertaken by the United States
2 Government to implement and enforce Executive
3 Order 13536, including recommendations on how to
4 better implement that order to suppress piracy;

5 (3) efforts undertaken by the United States
6 Government to track ransom payments made to pi-
7 rates operating off the coast of Somalia, the effec-
8 tiveness of those efforts, any operational actions
9 taken based off those efforts, and recommendations
10 on how to improve such tracking;

11 (4) actions taken by the United States Govern-
12 ment to improve the international prosecution of pi-
13 rates captured off the coast of Somalia; and

14 (5) an update on the United States Govern-
15 ment's efforts to implement the recommendation
16 contained in General Accountability Office report
17 GAO-10-856, entitled "Maritime Security: Actions
18 Needed to Assess and Update Plan and Enhance
19 Collaboration among Partners Involved in Coun-
20 tering Piracy off the Horn of Africa", that metrics
21 should be established for measuring the effectiveness
22 of counter piracy efforts.

23 **SEC. 7. TECHNICAL CORRECTION.**

24 Section 8107(c) of title 46, United States Code, is
25 amended to read as follows:

1 “(c) DEFINITION.—For the purpose of this section,
2 the term ‘act of piracy’ has the meaning that term has
3 in section 4297(a) of the Revised Statutes of the United
4 States.”.

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