

110TH CONGRESS
1ST SESSION

H. R. 1811

To amend title 46, United States Code, to improve maritime law enforcement.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. LATOURETTE (for himself, Mr. LOBIONDO, and Mr. POE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, 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

A BILL

To amend title 46, United States Code, to improve maritime law enforcement.

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 title may be cited as the “Maritime Law En-
5 forcement Improvement Act of 2007”.

6 **SEC. 2. MARITIME LAW ENFORCEMENT.**

7 (a) IN GENERAL.—Subtitle VII of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“CHAPTER 707—MARITIME LAW**
 2 **ENFORCEMENT**

“Sec.

“70701. Offense.

“70702. Attempt or conspiracy.

“70703. Affirmative defenses.

“70704. Penalties.

“70705. Criminal forfeiture.

“70706. Civil forfeiture.

“70707. Extension beyond territorial jurisdiction.

“70708. Claim of failure to comply with international law; jurisdiction of court.

“70709. Federal activities.

“70710. Definitions.

3 **“§ 70701. Offense**

4 “It shall be unlawful for any person on board a cov-
 5 ered vessel to transport or facilitate the transportation,
 6 harboring, or concealment of an alien on board such vessel
 7 knowing or having reason to believe that the alien is at-
 8 tempting to unlawfully enter the United States.

9 **“§ 70702. Attempt or conspiracy**

10 “Any person on board a covered vessel who attempts
 11 or conspires to commit a violation of section 70701 shall
 12 be subject to the same penalties as those prescribed for
 13 the violation, the commission of which was the object of
 14 the attempt or conspiracy.

15 **“§ 70703. Affirmative defenses**

16 “It is an affirmative defense to a prosecution under
 17 this section, which the defendant must prove by a prepon-
 18 derance of the evidence, that—

19 “(1)(A) the alien was on board pursuant to a
 20 rescue at sea, or was a stowaway; or

1 “(B) the entry into the United States was a
2 necessary response to an imminent threat of death
3 or serious bodily injury to the alien;

4 “(2) the defendant, as soon as reasonably prac-
5 ticable, informed the Coast Guard of the presence of
6 the alien on the vessel and the circumstances of the
7 rescue; and

8 “(3) the defendant complied with all orders
9 given by law enforcement officials of the United
10 States.

11 **“§ 70704. Penalties**

12 “Any person who commits a violation of this chapter
13 shall be imprisoned for not less than 3 nor more than 20
14 years or fined not more than \$100,000, or both; except
15 that—

16 “(1) in any case in which the violation causes
17 serious bodily injury to any person, regardless of
18 where the injury occurs, the person shall be impris-
19 oned for not less than 7 nor more than 30 years or
20 fined not more than \$500,000, or both; and

21 “(2) in any case in which the violation causes
22 or results in the death of any person regardless of
23 where the death occurs, the person shall be impris-
24 oned for not less than 10 years nor more than life
25 or fined not more than \$1,000,000, or both.

1 **“§ 70705. Criminal forfeiture**

2 “The court, at the time of sentencing a person con-
3 victed of an offense under this chapter, shall order for-
4 feited to the United States any vessel used in the offense
5 in the same manner and to the same extent as if it were
6 a vessel used in an offense under section 274 of the Immi-
7 gration and Nationality Act (8 U.S.C. 1324).

8 **“§ 70706. Civil forfeiture**

9 “A vessel that has been used in the commission of
10 a violation of this chapter shall be seized and subject to
11 forfeiture in the same manner and to the same extent as
12 if it were used in the commission of a violation of section
13 274(a) of the Immigration and Nationality Act (8 U.S.C.
14 1324(a)).

15 **“§ 70707. Extension beyond territorial jurisdiction**

16 “Sections 70701 and 70702 apply even though the
17 act is committed outside the territorial jurisdiction of the
18 United States.

19 **“§ 70708. Claim of failure to comply with inter-**
20 **national law; jurisdiction of court**

21 “A claim of failure to comply with international law
22 in the enforcement of this chapter may be invoked as a
23 basis for a defense solely by a foreign nation. A failure
24 to comply with international law shall not divest a court
25 of jurisdiction or otherwise constitute a defense to any
26 proceeding under this chapter.

1 **“§ 70709. Federal activities**

2 “Nothing in this chapter applies to otherwise lawful
3 activities carried out by or at the direction of the United
4 States Government.

5 **“§ 70710. Definitions**

6 “In this chapter, the following definitions apply:

7 “(1) ALIEN.—The term ‘alien’ has the meaning
8 given that term in section 70105(f).

9 “(2) COVERED VESSEL.—The term ‘covered
10 vessel’ means a vessel of the United States, or a ves-
11 sel subject to the jurisdiction of the United States,
12 that is less than 300 gross tons (or an alternate ton-
13 nage prescribed by the Secretary under section
14 14104 of this title) as measured under section
15 14502 of this title.

16 “(3) SERIOUS BODILY INJURY.—The term ‘seri-
17 ous bodily injury’ has the meaning given that term
18 in section 1365 of title 18, United States Code.

19 “(4) UNITED STATES.—The term ‘United
20 States’ has the meaning given that term in section
21 114.

22 “(5) VESSEL OF THE UNITED STATES.—The
23 term ‘vessel of the United States’ has the meaning
24 given that term in section 70502.

25 “(6) VESSEL SUBJECT TO THE JURISDICTION
26 OF THE UNITED STATES.—The term ‘vessel subject

1 to the jurisdiction of the United States’ has the
 2 meaning given that term in section 70502.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
 4 subtitle is amended by inserting after the item relating
 5 to chapter 705 the following:

“707. Maritime Law Enforcement70701.”.

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