

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2984

To amend title 46, United States Code, to assist in the defense of United States mariners and vessels against piracy, to ensure the traditional right of self-defense of those vessels against piracy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2009

Mr. LOBIONDO (for himself, Mr. MICA, Mr. YOUNG of Alaska, and Mr. COBLE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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

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## A BILL

To amend title 46, United States Code, to assist in the defense of United States mariners and vessels against piracy, to ensure the traditional right of self-defense of those vessels against piracy, 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 “United States Mariner  
5 and Vessel Protection Act of 2009”.

1 **SEC. 2. PURPOSE.**

2 The purpose of the Act is to assist in the defense  
3 of United States-flag vessels against piracy and to ensure  
4 the traditional right of self-defense of those vessels against  
5 piracy.

6 **SEC. 3. USE OF MARITIME SAFETY AND SECURITY TEAMS**  
7 **TO DEFEND UNITED STATES-FLAG VESSELS**  
8 **IN INTERNATIONAL WATERS.**

9 Section 70106 of title 46, United States Code, is  
10 amended by adding at the end the following:

11 “(d) INTERNATIONAL DEPLOYMENT.—

12 “(1) IN GENERAL.—In addition to authorities  
13 provided under this section, the Commandant of the  
14 Coast Guard may deploy a maritime safety and se-  
15 curity team on a temporary basis, not to exceed six  
16 months, to deter, protect against, and rapidly re-  
17 spond to acts of piracy against vessels (as defined in  
18 section 70122) in international waters.

19 “(2) NOTIFICATION OF CONGRESS.—The Com-  
20 mandant shall notify the Committee on Transpor-  
21 tation and Infrastructure of the House of Represent-  
22 atives and the Committee on Commerce, Science,  
23 and Transportation of the Senate not later than 10  
24 days after the deployment of a maritime safety and  
25 security team authorized under this subsection.”.

1 **SEC. 4. AUTHORITY TO USE FORCE.**

2 (a) IN GENERAL.—Chapter 701 of title 46, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing new section:

5 **“§ 70122. Authority to use force**

6 “(a) IN GENERAL.—The Secretary shall issue regula-  
7 tions establishing standards and circumstances under  
8 which an individual is authorized to use force (including  
9 lethal force) against an individual in the defense of a ves-  
10 sel against piracy.

11 “(b) LIMITATION ON LIABILITY.—

12 “(1) LIABILITY OF OWNERS, OPERATORS AND  
13 MASTERS.—An owner, operator, time charterer, or  
14 master of vessel shall not be liable for damages in  
15 any action brought in a Federal or State court aris-  
16 ing out of the use of force authorized under regula-  
17 tions under subsection (a), including the use of or  
18 failure to use a firearm so authorized.

19 “(2) LIABILITY OF AN INDIVIDUAL.—An indi-  
20 vidual shall not be liable for damages in any action  
21 brought in a Federal or State court arising out of  
22 use of force authorized under regulations under sub-  
23 section (a) by that individual unless the individual is  
24 grossly negligent or engages in willful misconduct.

25 “(3) LIABILITY OF FEDERAL GOVERNMENT.—  
26 For purposes of an action against the United States

1 with respect to an act or omission arising out of a  
2 use of force authorized under regulations under sub-  
3 section (a), an individual shall be treated as an em-  
4 ployee of the Federal Government under chapter  
5 171 of title 28, relating to tort claims procedure.

6 “(4) LIMITATION ON APPLICATION.—The limi-  
7 tations on liability described in paragraphs (1), (2),  
8 and (3) apply only if the individual who uses force  
9 authorized under regulations under subsection (a)—

10 “(A) holds a license issued under section  
11 7101 or a merchant mariner document issued  
12 under section 7301; and

13 “(B) in a case in which the use of force in-  
14 cluded the use of a firearm, has completed  
15 training certified by the Coast Guard for use of  
16 firearms aboard vessels.

17 “(c) VESSEL DEFINED.—For purposes of this sec-  
18 tion, the term ‘vessel’ means a vessel for which the Sec-  
19 retary has issued a certificate of inspection under section  
20 3309 and that is operating in waters designated by the  
21 Secretary as high-risk waters.”.

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

“70122. Authority to use force.”.

1 (c) DEADLINES.—The Secretary of the department  
2 in which the Coast Guard is operating shall—

3 (1) no later than 3 months after the date of en-  
4 actment of this Act, issue regulations under section  
5 70122(a) of title 46, United States Code, as amend-  
6 ed by this section; and

7 (2) in consultation with the Secretary of De-  
8 fense and no later than 6 months after the date of  
9 enactment of this Act, issue regulations to certify,  
10 for purposes of section 70122(b)(4)(B) of such title,  
11 courses to train on a recurrent basis individuals who  
12 hold a license issued under section 7101 or a mer-  
13 chant mariner document issued under section 7301  
14 in the use of firearms aboard vessels.

15 **SEC. 5. AGREEMENTS.**

16 To carry out the purpose of this Act, the Secretary  
17 of the department in which the Coast Guard is operating  
18 shall work through the International Maritime Organiza-  
19 tion to establish agreements to promote coordinated action  
20 among flag and port states to deter, protect against, and  
21 rapidly respond to acts of piracy against the vessels of,  
22 and in the waters under the jurisdiction of, those nations,  
23 and to ensure limitations on liability similar to those es-

1 tablished by section 70122 of title 46, United States Code,  
2 as amended by this Act.

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