

In the Senate of the United States,

September 29, 2010.

Resolved, That the Senate agrees to the the House of Representatives amendment to the title of the bill (H.R. 3619) entitled “An Act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.”.

Resolved, That the Senate concurs in the House of Representatives amendment to the above-entitled bill, with the following

**SENATE AMENDMENTS TO HOUSE AMENDMENT TO
SENATE AMENDMENT:**

1 **(1)**In section 617(b), in the quoted subsection (d), strike
2 **【INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore】**
3 and insert *Individuals qualified as able seamen—offshore*.

4 **(2)**Strike section 917 and insert the following:

5 **“SEC. 917. MARITIME LAW ENFORCEMENT.**

6 “(a) *PENALTIES.—Subsection (b) of section 2237 of*
7 *title 18, United States Code, is amended to read as follows:*

1 “(b)(1) *Except as otherwise provided in this sub-*
 2 *section, whoever knowingly violates subsection (a) shall be*
 3 *fin ed under this title or imprisoned for not more than 5*
 4 *years, or both.*

5 “(2)(A) *If the offense is one under paragraph (1) or*
 6 *(2)(A) of subsection (a) and has an aggravating factor set*
 7 *forth in subparagraph (B) of this paragraph, the offender*
 8 *shall be fin ed under this title or imprisoned for any term*
 9 *of years or life, or both.*

10 “(B) *The aggravating factor referred to in subpara-*
 11 *graph (A) is that the offense—*

12 “(i) *results in death; or*

13 “(ii) *involves—*

14 “(I) *an attempt to kill;*

15 “(II) *kidnapping or an attempt to kidnap;*

16 *or*

17 “(III) *an offense under section 2241.*

18 “(3) *If the offense is one under paragraph (1) or*
 19 *(2)(A) of subsection (a) and results in serious bodily injury*
 20 *(as defined in section 1365), the offender shall be fin ed*
 21 *under this title or imprisoned for not more than 15 years,*
 22 *or both.*

23 “(4) *If the offense is one under paragraph (1) or*
 24 *(2)(A) of subsection (a), involves knowing transportation*
 25 *under inhumane conditions, and is committed in the course*

1 of a violation of section 274 of the Immigration and Na-
 2 tionality Act, or chapter 77 or section 113 (other than
 3 under subsection (a)(4) or (a)(5) of such section) or 117
 4 of this title, the offender shall be fined under this title or
 5 imprisoned for not more than 15 years, or both.’

6 “(b) *DEFINITION.*—Section 2237(e) of title 18, United
 7 States Code, is amended—

8 “(1) by amending paragraph (3) to read as fol-
 9 lows:

10 ““(3) the term “vessel subject to the jurisdiction
 11 of the United States” has the meaning given the term
 12 in section 70502 of title 46;’;

13 ““(2) in paragraph (4), by striking ‘section 2 of
 14 the Maritime Drug Law Enforcement Act (46 U.S.C.
 15 App. 1903).’ and inserting “section 70502 of title 46;
 16 and’; and

17 ““(3) by adding at the end the following new
 18 paragraph:

19 ““(5) the term “transportation under inhumane
 20 conditions” means—

21 ““(A) transportation—

22 ““(i) of one or more persons in an en-
 23 gine compartment, storage compartment, or
 24 other confined space;

25 ““(ii) at an excessive speed; or

1 “(iii) of a number of persons in excess
 2 of the rated capacity of the vessel; or
 3 “(B) intentional grounding of a vessel in
 4 which persons are being transported.’.”.

5 **(3)**Strike section 1032(b) and insert the following:

6 “(b) VIOLATIONS; SUBPOENAS.—

7 “(1) IN GENERAL.—In any investigation under
 8 this section, the Secretary may issue a subpoena to
 9 require the attendance of a witness or the production
 10 of documents or other evidence if—

11 “(A) before the issuance of the subpoena, the
 12 Secretary requests a determination by the Attor-
 13 ney General of the United States as to whether
 14 the subpoena will interfere with a criminal in-
 15 vestigation; and

16 “(B) the Attorney General—

17 “(i) determines that the subpoena will
 18 not interfere with a criminal investigation;
 19 or

20 “(ii) fails to make a determination
 21 under clause (i) before the date that is 30
 22 days after the date on which the Secretary
 23 makes a request under subparagraph (A).

24 “(2) ENFORCEMENT.—In the case of refusal to
 25 obey a subpoena issued to any person under this sub-

1 *section, the Secretary may request the Attorney Gen-*
 2 *eral to invoke the aid of the appropriate district court*
 3 *of the United States to compel compliance.”.*

4 **(4)** Strike section 1033(a)(2) and insert the following:

5 *“(2) SUBPOENAS.—*

6 *“(A) IN GENERAL.—In any investigation*
 7 *under this section, the Administrator may issue*
 8 *a subpoena to require the attendance of a witness*
 9 *or the production of documents or other evidence*
 10 *if—*

11 *“(i) before the issuance of the sub-*
 12 *poena, the Administrator requests a deter-*
 13 *mination by the Attorney General of the*
 14 *United States as to whether the subpoena*
 15 *will interfere with a criminal investigation;*
 16 *and*

17 *“(ii) the Attorney General—*

18 *“(I) determines that the subpoena*
 19 *will not interfere with a criminal in-*
 20 *vestigation; or*

21 *“(II) fails to make a determina-*
 22 *tion under subclause (I) before the date*
 23 *that is 30 days after the date on which*
 24 *the Administrator makes a request*
 25 *under clause (i).*

1 “(B) *ENFORCEMENT.*—*In the case of refusal*
2 *to obey a subpoena issued to any person under*
3 *this paragraph, the Administrator may request*
4 *the Attorney General to invoke the aid of the ap-*
5 *propriate district court of the United States to*
6 *compel compliance.*”.

Attest:

Secretary.

11TH CONGRESS
2^D Session

H.R. 3619

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SENATE AMENDMENT