

**AMENDMENT TO H.R. \_\_\_\_\_**

**OFFERED BY MR. ROYCE OF CALIFORNIA**

At the end of title VIII (relating to Miscellaneous Provisions), insert the following:

1 **SEC. 8\_\_ . CURTAILING THE FREQUENCY OF INTER-**  
2 **NATIONAL MARITIME PIRACY.**

3 (a) **FINDINGS.**—Congress finds the following:

4 (1) Maritime piracy is expanding in frequency,  
5 geographical scope, and cost, representing a growing  
6 threat to United States national security and even  
7 economic well-being. Somali pirates now operate in  
8 a sea space of approximately 2.5 million square nau-  
9 tical miles, an increase from 1 million square miles  
10 two years ago.

11 (2) From 2007 to 2010, the number of reported  
12 hijackings increased sevenfold. Last year witnessed  
13 the highest number of successful pirate attacks and  
14 hostages taken on record. Somali pirates captured  
15 six times the number of hostages in 2010 than in  
16 2007, with the length of time held hostage increas-  
17 ing, along with reports of abuse. Average ransom  
18 payments to Somali pirates have risen to over  
19 \$4,000,000.

1           (3) Central to curtailing maritime piracy are  
2 internationally recognized “best management prac-  
3 tices”, which entail practical steps ship owners and  
4 seafarers can take to prevent pirate attacks from  
5 happening. “Best management practices” include  
6 steps such as proceeding at full speed through high  
7 risk areas, placing additional lookouts on watches,  
8 and employing physical barriers such as razor wire.

9           (4) “Best management practices” have been de-  
10 veloped by the shipping industry and are updated  
11 based upon operation experience and lessons learned.  
12 “Best Management Practice 3”, the third version of  
13 the document, was produced in June 2010.

14           (5) Use of the internationally recognized “best  
15 management practices” have been actively encour-  
16 aged by the international Contact Group on Piracy  
17 off the Coast of Somalia, created in January 2009  
18 pursuant to United Nations Security Council Resolu-  
19 tion 1851.

20           (6) It is estimated that approximately 20 per-  
21 cent of all vessels operating off the Horn of Africa  
22 do not employ these “best management practices”.  
23 Reportedly, it is these ships that make up the vast  
24 majority of ships that are successfully pirated.

1           (7) On June 15, 2011, Assistant Secretary of  
2           State for Political-Military Affairs Andrew Shapiro  
3           testified before the Subcommittee on Terrorism,  
4           Nonproliferation and Trade of the Committee on  
5           Foreign Affairs of the House of Representatives  
6           that, "The problem is that the small number of  
7           ships that don't follow best management practices  
8           are responsible for the vast majority of those that  
9           are actually pirated. . .we need to work with the  
10          shipping industry to put financial pressure and in-  
11          centives on those who are not following best manage-  
12          ment practices and leading to this problem to take  
13          further action."

14          (b) DECLARATION OF POLICY.—It shall be the policy  
15          of the United States to publically identify persons who  
16          show continual disregard for internationally-recognized  
17          maritime best management practices promoted by the  
18          Contact Group on Piracy off the Coast of Somalia, putting  
19          the lives of their crew in jeopardy and contributing to the  
20          growing ransom demands of Somali pirates.

21          (c) PUBLICATION OF PERSONS WHO SHOW CON-  
22          TINUAL DISREGARD FOR INTERNATIONALLY-RECOGNIZED  
23          MARITIME BEST MANAGEMENT PRACTICES.—

24                 (1) IN GENERAL.—Subject to paragraph (3),  
25                 not later than 180 days after the date of enactment

1 of this Act and annually thereafter (or more fre-  
2 quently as new information becomes available), the  
3 President shall transmit to the appropriate cong-  
4 resional committees a list of persons who the Presi-  
5 dent determines continually disregard internation-  
6 ally-recognized maritime best management practices  
7 promoted by the Contact Group on Piracy off the  
8 Coast of Somalia.

9 (2) PUBLIC AVAILABILITY.—The lists required  
10 under paragraph (1) shall be printed in the Federal  
11 Register.

12 (3) TERMINATION.—

13 (A) CERTIFICATION.—The lists required  
14 under paragraph (1) shall no longer be required  
15 on the date that is 30 days after the date on  
16 which the President certifies to the appropriate  
17 congressional committees that the insufficient  
18 use of internationally recognized “best manage-  
19 ment practices” is no longer a contributing fac-  
20 tor in the rise of maritime piracy off the coast  
21 of Somalia.

22 (B) NOTIFICATION.—The President shall  
23 notify the appropriate congressional committees  
24 not less than 15 days before making a certifi-  
25 cation described in subparagraph (A).

1 (4) DEFINITIONS.—In this section:

2 (A) APPROPRIATE CONGRESSIONAL COM-  
3 MITTEES.—The term “appropriate congress-  
4 sional committees” means—

5 (i) the Committee on Foreign Affairs  
6 and the Committee on Armed Services of  
7 the House of Representatives; and

8 (ii) the Committee on Foreign Rela-  
9 tions and the Committee on Armed Serv-  
10 ices of the Senate.

11 (B) PERSON.—The term “person” means  
12 any natural person, or any business, legal enti-  
13 ty, or association, including a corporation, part-  
14 nership, or joint venture.

