

PIRACY SUPPRESSION ACT OF 2011

NOVEMBER 10, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MICA, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2839]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2839) to suppress the threat of piracy on the high seas, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE OF THE LEGISLATION AND SUMMARY

H.R. 2839, the Piracy Suppression Act of 2011, provides new authorities to suppress the threat of piracy on the high seas.

#### BACKGROUND AND NEED FOR LEGISLATION

Piracy off the Horn of Africa, and in other high risk waters throughout the world, puts thousands of lives in danger, undermines freedom of navigation, and impacts the world economy.

From January to September 2011, the International Maritime Bureau (IMB) reports 335 piracy attacks worldwide, including 35 hijackings. Somali pirates were responsible for 188 of these attacks and 24 hijackings. They have taken over 400 hostages this year, 8 of which have been killed. Somali pirates currently hold 16 vessels and 301 hostages. Between 2007 and September 2010, Somali pirates attacked more than 450 ships and took nearly 2,400 hostages. In 2010, the estimated cost of piracy to the international economy was between \$7 and \$12 billion.

There have been several notable instances of attempted and successful attacks against U.S. citizens and vessels by Somali pirates. Pirates boarded the U.S.-flagged MAERSK ALABAMA in 2009 and captured the vessel's captain, Richard Phillips. The captain was later freed and his captors killed by Navy SEALs. In February 2011, Jean Adam, Scott Adam, Phyllis MacKay, and Bob Riggle were tragically killed aboard their sail yacht QUEST by pirates who had hijacked the vessel.

#### SECURITY OF U.S. VESSELS

In 2010, U.S. food aid agencies delivered 735,000 metric tons of food to East Africa. The U.S. flagged vessels which carried that aid had to transit waters around the Horn of Africa. However, rules governing the use of armed security aboard these vessels vary. Vessels transiting high risk waters with Department of Defense cargo must carry private security teams, yet vessels carrying other government impelled cargo, such as food aid do not. The MEARSK ALABAMA was carrying 1,700 metric tons of U.S. humanitarian aid to Mombasa, Kenya and had no armed security aboard when it was attacked. The Committee is concerned this disparity is putting American lives and property at risk.

#### PROSECUTION OF PIRATES

Ensuring that pirates are held accountable for their crimes is important to shift the risk calculus for would-be pirates and suppress the activity. Unfortunately, the vast majority of pirates who are captured by international naval forces are often simply stripped of their weapons and released. This is largely due to the lack of an adequate international framework to prosecute pirates and facilities to incarcerate those convicted. A few countries, including the U.S. have bilateral agreements with Kenya and the Seychelles to prosecute and incarcerate pirates, but since 2009 only 91 pirates have been convicted. In the absence of such a framework, most countries lack the resources and political will to transport the pirates back to their countries and hold them accountable under their domestic laws. However, pirates who attack U.S. flagged vessels are currently brought back to the U.S. for trial.

Article II, Section 8 of the Constitution gives Congress the power to "define and punish Piracies and Felonies committed on the high seas, and Offenses against the Law of Nations." Since 1819, the U.S. has defined piracy not as a specific act, but rather as an act

“defined by the law of nations” (18 U.S.C. 1651). Unfortunately, this reference to the “law of nations” has created uncertainty in the definition and the courts have interpreted the law differently.

On March 24, 2010, a jury in Norfolk, Virginia, handed down the first guilty verdict for acts of piracy since the 19th Century. In *United States v. Hasan*, five Somalis were found guilty of piracy for their role in attacking the USS NICHOLAS. U.S. District Judge Mark S. Davis relied on the current international definition of piracy found in the 1958 Convention on the High Seas and the 1982 United Nations Convention on the Law of the Sea (the U.S. is a party to the 1958 Convention on the High Seas). Both treaties define piracy as:

Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft or against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.

The definition also includes “any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft,” and “any act of inciting or of intentionally facilitating an act of piracy.”

However, on August 17, 2010, Judge Raymond A. Jackson, sitting two floors below Judge Davis in the same courthouse, dismissed the piracy charges levied against the Somalis who attacked the USS ASHLAND (*United States v. Said*). Judge Davis cited the 1820 Supreme Court decision in *United States v. Smith* which established that piracy as “defined by the law of nations” meant in part “robbery upon the sea”. Finding no evidence of robbery against the ASHLAND, Judge Davis dismissed the charge of piracy. The Federal government is currently pursuing an appeal in this case. The Committee is concerned that as long as differences in the interpretation of the definition of piracy continues to exist, pirates who attack U.S. citizens on the high seas may not be held fully accountable for their crimes.

#### STATUS OF INTERNATIONAL COOPERATION

U.S. owned vessels in the international trades account for less than two percent of the world tonnage. However, over the last several years, the U.S. has committed a significant number of Navy and Coast Guard forces and assets to the Horn of Africa at a cost of hundreds of millions of dollars to defend U.S. and foreign flagged vessels against acts of piracy. Additionally, the U.S. has spent millions in foreign aid and technical assistance to improve international cooperation and to lead multilateral efforts to prevent and disrupt acts of piracy. Finally, the U.S. has contributed nearly \$1 million to the establishment of the United Nations “Trust Fund to Support Initiatives of States Countering Piracy Off the Coast of Somalia,” which provides financial support to countries in the region to improve the prosecution and expand the capacity to incarcerate pirates.

Unfortunately, countries which represent over 55 percent of the world tonnage of vessels in international trades, have contributed

little, if any, resources to the international effort to combat piracy. Most of these “flag of convenience” nations lack navies to defend the vessels they register from acts of piracy. Many of these nations also have also failed to provide any foreign aid, technical assistance, or other resources to the international initiatives dedicated to counter piracy. The Committee is concerned that the U.S. continues to expend critical resources to provide protection to the vessels of foreign nations that refuse to assist in the effort to combat piracy.

#### TRAINING FOR U.S. MARINERS

The Maritime Administration (MARAD) has led efforts to develop training programs for U.S. mariners on proper tactics and procedures to follow to reduce the likelihood of successful attack by pirates. MARAD has certified over 50 private maritime security training providers and has provided anti-piracy curriculum to the U.S. Merchant Marine Academy, state maritime academies, and union training schools. Unfortunately, these training programs do not currently include instruction on best practices for mariners to follow if they are taken hostage by pirates or standard rules for the use of force for self-defense of vessels developed by the Coast Guard as required by section 912 of the Coast Guard Authorization Act of 2010 (Public Law 111–281).

#### TRACKING RANSOM PAYMENTS

On April 12, 2010, the President signed Executive Order 13536 (EO–13536). EO–13536 declared that “. . . the persistence of violence in Somalia, and armed robbery at sea off the coast of Somalia . . . constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. . .”. It goes on to state the U.S. will seize assets from anyone determined to be committing these acts and will prosecute those providing materiel support. The EO–13536 specifically names eleven individuals, two of whom are known to head pirate gangs and effectively outlaws cooperation with pirates or support of their activities.

EO–13536 drew criticism from both industry and labor. Both are concerned that the provision on matériel support could make vessel operators criminally liable for the payment of ransom. Unfortunately, there is little visibility on where ransom money goes after it is paid. Ransoms are usually paid in cash through a third party, making tracking the money very difficult. The Department of State (DOS) recently began efforts to track the flow of ransom within Somalia. The Committee commends the DOS for taking a lead in this matter, but is concerned these efforts are coming too long after EO–13536 went into effect and that new findings could create unintended consequences for companies paying ransom. The Committee is also concerned the Federal government is only now investigating money movements within a country known to harbor members of several extremist organizations.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

“Piracy Suppression Act of 2011”.

*Section 2. Act of piracy*

This section clarifies the definition of piracy to conform to both international law and the 2007 Presidential Directive on Piracy. It does so to clarify an issue raised by two conflicting Federal court cases. Additionally, this section adds the death penalty as punishment for acts of piracy.

*Section 3. Reimbursement for actions taken to protect foreign-flagged vessels from piracy*

This section authorizes the Secretary of Defense to seek reimbursement from a foreign flag state for action taken by the U.S. to deter a pirate attack on a vessel flagged by that nation. Foreign flag states that contribute to the international effort to counter piracy are exempt from reimbursement.

*Section 4. Training program for use of force against piracy*

This section requires the Secretary of Transportation to update an existing training program to add an instruction to mariners on the acceptable use of force against pirates and what to do if taken hostage by pirates. The Maritime Administration recently developed an anti-piracy curriculum which is taught at the Merchant Marine Academy and maritime union training schools. The curriculum currently does not include instruction on the Coast Guard's rules for proper use of force against piracy, nor any information on best practices to follow in the event a mariner is taken hostage.

*Section 5. Security of government impelled cargo*

This section requires the use of private armed security on vessels carrying government impelled cargo through high risk waters. The Department of Transportation is to reimburse vessel operators for armed security personnel. Currently, vessel operators transporting DoD cargo are required to carry armed security and are reimbursed by the DoD.

*Section 6. GAO study*

This section requires the Government Accountability Office to report to the Committee on U.S. efforts to track ransom payments and the movement of money throughout Somali piracy networks. The report must also address actions taken to improve international prosecution of pirates captured off the coast of Somalia.

*Section 7. Technical correction*

This section conforms the definition of the term "act of piracy" used in section 8701 of title 46, U.S. Code, to the definition in Section 1 of this bill.

LEGISLATIVE HISTORY AND CONSIDERATION

On September 2, 2011, Subcommittee on Coast Guard and Maritime Transportation Chairman Frank A. LoBiondo introduced for himself, and Transportation and Infrastructure Committee Chairman John L. Mica, H.R. 2839, the Piracy Suppression Act of 2011. On September 8, 2011, the Committee on Transportation and Infrastructure met in open session, and ordered the bill reported fa-

vorably to the House of Representatives by voice vote with a quorum present. No amendments were offered.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. During consideration of H.R. 2839, no recorded votes were taken. The bill was reported favorably to the House of Representatives by voice vote.

#### HEARINGS

On March 15, 2011, the Subcommittee on Coast Guard and Maritime Transportation held a hearing to review the efforts of the Federal government to safeguard U.S. and international interests against acts of piracy off the Horn of Africa and other high risk waters.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2839 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 18, 2011.*

Hon. JOHN L. MICA,  
*Chairman, Committee on Transportation and Infrastructure,  
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2839, the Piracy Suppression Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 2839—Piracy Suppression Act of 2011*

Summary: H.R. 2839 would require that owners and operators of ships carrying cargo for the United States government in certain areas at high risk for pirate activities provide armed personnel aboard those ships. Federal agencies contracting with those owners and operators would be required to reimburse them for the costs of employing armed personnel. The bill would also require the Maritime Administration (MARAD) to develop a training program for mariners on the use of force against pirates and would instruct the Department of Defense (DoD) to seek reimbursement for actions to protect or defend certain ships not registered under the laws of the United States from piracy. Based on information from the United States Coast Guard (USCG), MARAD, and DoD, CBO estimates that enacting H.R. 2839 would cost \$90 million over the 2012–2016 period, assuming appropriation of the necessary amounts.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2839 is shown in the following table. The costs of this legislation fall within budget functions 050 (defense) and (400 transportation).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	23	18	18	18	18	95
Estimated Outlays .....	20	18	18	17	17	90

Basis of estimate: For this estimate, CBO assumes that H.R. 2839 will be enacted before the end of 2011 and that the amounts estimated to be necessary will be appropriated for each year.

*Reimbursement of cargo vessels*

H.R. 2839 would require that owners and operators of ships carrying cargo for the United States government in certain areas at high risk for pirate activities provide armed personnel aboard those ships. While shipping routes can vary, those ships usually spend three to four days per trip in areas at high risk for piracy, according to information from MARAD. The Coast Guard estimates that there are typically six to eight ships at any given time at sea that would be required to comply with the new requirement. About three-fourths of those ships already carry armed personnel because they are under contract with DoD. Other federal agencies, mostly those that provide foreign food aid, would be required to reimburse owners for security costs at a rate of about two ships a day each year. According to information from DoD and the USCG, the cost of employing armed personnel on vessels is about \$25,000 per day. As a result, CBO estimates that enacting the provision would cost about \$18 million a year over the 2012–2016 period.

*MARAD training*

H.R. 2839 would require MARAD to develop a training program for mariners on the use of force against pirates. Based on information from the agency about the estimated cost to develop training curricula, CBO estimates that implementing this provision would cost \$5 million over the next three years.

*Department of Defense*

H.R. 2839 would require DoD to determine the cost and seek reimbursement for actions to protect or defend from piracy certain ships not registered under the laws of the United States. However, the provision could be waived in many situations. Under current practice, DoD has never sought reimbursement from other nations for assisting in such operations. As a result, CBO expects that this provision would have no significant effect on the budget.

Intergovernmental and private-sector impact: H.R. 2839 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Sarah Puro; Impact on State, local, and Tribal Governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of H.R. 2839 is to provide needed authorities and improvements to existing laws to suppress the threat of piracy on the high seas.

## ADVISORY OF EARMARKS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2839 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the “Unfunded Mandates Reform Act” (P.L. 104-4).

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2839 does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by H.R. 2839.



APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 2839 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 4297 OF THE REVISED STATUTES OF THE  
UNITED STATES**

**[SEC. 4297.]**

**SEC. 4297. PENALTY FOR PIRACY; SEIZURE AND CONDEMNATION OF VESSELS.**

*(a) PENALTY FOR PIRACY.—*

*(1) CRIME.—Whoever commits an act of piracy shall be punished by death or imprisoned for life.*

*(2) ACT OF PIRACY DEFINED.—In this subsection the term “act of piracy” means—*

*(A) any illegal act of violence, detention, or depredation that is committed for private ends by the crew or passengers of a private vessel and directed against a vessel, person, or property on the high seas or in any other place outside the jurisdiction of any State; or*

*(B) inciting or facilitating an act of piracy, as defined in subparagraph (A); and*

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

*(b) SEIZURE AND CONDEMNATION OF VESSELS FITTED OUT FOR PIRACY.—Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.*

**TITLE 10, UNITED STATES CODE**

\* \* \* \* \*

**SUBTITLE A—GENERAL MILITARY LAW**

\* \* \* \* \*

**PART I—ORGANIZATION AND GENERAL MILITARY POWERS**

\* \* \* \* \*

**CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE**

Sec.

401. Humanitarian and civic assistance provided in conjunction with military operations.

\* \* \* \* \*

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

\* \* \* \* \*

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

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

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

(2) seek reimbursement for such cost from the country under the laws of which the vessel for which protection or defense was provided is documented, which shall be credited back to the appropriations charged for such cost.

(b) *REIMBURSEMENTS.*—Reimbursement under this section may be waived if—

(1) such country contributes military forces to the Combined Maritime Forces' Combined Task Force-151 within 180 days of the action taken;

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

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

(4) the President determines it is in the national security interest of the United States to do so.

\* \* \* \* \*

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**TITLE 46, UNITED STATES CODE**

\* \* \* \* \*

**Subtitle II—Vessels and Seamen**

\* \* \* \* \*

PART F—MANNING OF VESSELS

\* \* \* \* \*

CHAPTER 81—GENERAL

\* \* \* \* \*

**§ 8107. Use of force against piracy**

(a) \* \* \*

\* \* \* \* \*

[(c) DEFINITION.—For the purpose of this section, the term “act of piracy” means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.]

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

\* \* \* \* \*

**Subtitle V—Merchant Marine—**

\* \* \* \* \*

PART B—MERCHANT MARINE SERVICE

\* \* \* \* \*

**CHAPTER 517—OTHER SUPPORT FOR MERCHANT MARINE TRAINING**

Sec.

51701. United States Maritime Service.

\* \* \* \* \*

51705. Training program for use of force against piracy.

\* \* \* \* \*

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

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

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

(2) information on current threats and patterns of attack by pirates;

(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

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

*(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.*

\* \* \* \* \*

PART D—PROMOTIONAL PROGRAMS

\* \* \* \* \*

CHAPTER 553—PASSENGER AND CARGO PREFERENCES

Subchapter I—GENERAL

\* \* \* \* \*

§ 55305. **Cargoes procured, furnished, or financed by the United States Government**

(a) \* \* \*

\* \* \* \* \*

(e) *SECURITY OF GOVERNMENT IMPELLED CARGO.—*

*(1) In order to assure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency responsible for the carriage of such equipment, materials, or commodities to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities while transiting high-risk waters.*

*(2) The Secretary of Transportation shall direct each such department or agency to reimburse, subject to the availability or appropriations, the owners or operators of such vessels for the cost of providing armed personnel.*

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

\* \* \* \* \*



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**John L. Mica**  
Chairman

**Nick J. Rahall, III**  
Ranking Member

October 21, 2011

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

The Honorable Lamar Smith  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2839, the "Piracy Suppression Act of 2011." I acknowledge that by forgoing a formal referral request on this legislation, your Committee is not waiving any jurisdiction over the subject matter contained in this or similar legislation and that your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward.

Further, I would fully support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

I will include our letters on H.R. 2839 in the *Congressional Record* during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Mica", written over a circular scribble.

John L. Mica  
Chairman

cc: The Honorable John Boehner  
The Honorable Eric Cantor  
The Honorable Kevin McCarthy  
The Honorable Nancy Pelosi  
The Honorable Steny Hoyer  
The Honorable Nick J. Rahall, II  
The Honorable John Conyers, Jr.  
Mr. John Sullivan, Parliamentarian

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ONE HUNDRED TWELFTH CONGRESS

**Congress of the United States**

**House of Representatives**

COMMITTEE ON THE JUDICIARY

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October 20, 2011

The Honorable John Mica  
 Chairman  
 Committee on Transportation and Infrastructure  
 2165 Rayburn House Office Building  
 Washington, D.C. 20515

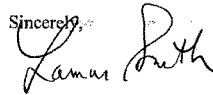
Dear Chairman Mica,

I am writing concerning H.R. 2839, the "Piracy Suppression Act of 2011," which was reported favorably by your committee on September 8, 2011. As a result of your having consulted with us on provisions in H.R. 2839 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego a formal referral on this bill.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2839 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2839, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration.

Sincerely,



Lamar Smith  
 Chairman

cc: The Honorable John Boehner  
 The Honorable Nick J. Rahall, II  
 The Honorable John Conyers, Jr.  
 Mr. John Sullivan, Parliamentarian

