

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—CIVIL PROHIBITION

SEC. 201. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting “(1)” after “that”; and

(2) by striking “States.” and inserting “States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.”.

SEC. 202. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

“(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country, with the intent to evade detection.

“(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

“(c) DEFENSES.—

“(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

“(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

“(B) classed by and designed in accordance with the rules of a classification society;

“(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

“(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

“(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

“(A) government documents evidencing the vessel’s nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

“(B) a certificate of classification issued by the vessel’s classification society upon completion of relevant classification surveys and valid at the time of the offense; or

“(C) government documents evidencing licensure, regulation, or registration for research or exploration.

“(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than \$1,000,000.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

“70508. Operation of submersible vessel or semi-submersible vessel without nationality”.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting “or 70508” after “70503”.

(3) Section 70505 of title 46, United States Code, is amended by striking “this title” and inserting “this title, or against whom a civil enforcement proceeding is brought under section 70508.”.

SEC. 203. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

“(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

“(1) SEMI-SUBMERSIBLE VESSEL.—The term ‘semi-submersible vessel’ means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

“(2) SUBMERSIBLE VESSEL.—The term ‘submersible vessel’ means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.”.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged of PN1824, the nomination of Mark Everett Keenum, and that the nomination be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent the Rules Committee be discharged from the following: PN655, the nomination of Garcia M. Hillman; PN1661, the nomination of Donetta Davidson; PN1662, the nomination of Rosemary E. Rodriguez; and PN1963, the nomination of Gineen Bresso Beach, and the nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND-BASED SOURCES PROTOCOL TO THE CARTAGENA CONVENTION

THE HAGUE CONVENTION

AMENDMENT TO THE CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

INTERNATIONAL CONVENTION FOR SUSPENSION OF ACTS OF NUCLEAR TERRORISM

PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING THE SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF ALBANIA

1998 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2002 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2006 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Mr. DURBIN. I ask unanimous consent the Senate consider the following treaties on the Executive Calendar, Calendar Nos. 25, 31, 34, 35, 36, 37, 38, 39, and 40, and that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee understandings, declarations, or conditions be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motions to reconsider be considered made and laid on the table, the President be immediately notified of the Senate’s action, and the Senate resume legislative session, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.