

the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port that the Secretary has determined under section 70303(b) of this title does not maintain and administer effective security measures, the Secretary of State immediately shall issue a travel advisory for that port. The Secretary of State shall take the necessary steps to widely publicize the travel advisory.

(b) **LIFTING ADVISORIES.**—A travel advisory issued under subsection (a) may be lifted only if the Secretary, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port.

(c) **NOTICE TO CONGRESS.**—The Secretary of State shall notify Congress immediately of any change in the status of a travel advisory issued under this section.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70304	46 App.:1804.	Pub. L. 99-399, title IX, §908, Aug. 27, 1986, 100 Stat. 891; Pub. L. 105-277, div. G, title XXII, §2224(b), Oct. 21, 1998, 112 Stat. 2681-819.

In subsection (b), the words “with respect to which the Secretary of Transportation had made the determination described in section 1803(d) of this Appendix” are omitted as unnecessary.

§ 70305. Suspension of passenger services

(a) **GENERAL AUTHORITY.**—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, a terrorist or terrorist group that knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may suspend the right of any passenger vessel common carrier to operate to or from, and the right of any passenger vessel of the United States to use, a port in that foreign nation for passenger service. The suspension may be without notice or hearing and for as long as the President determines is necessary to ensure the security of passenger vessels against unlawful seizure.

(b) **PROHIBITION.**—A passenger vessel common carrier, or a passenger vessel of the United States, may not operate in violation of a suspension under this section.

(c) **PENALTIES.**—

(1) **DENIAL OF ENTRY.**—If a person operates a vessel in violation of this section, the Secretary may deny the vessels of that person entry to ports of the United States.

(2) **CIVIL PENALTY.**—A person violating this section is liable to the United States Government for a civil penalty of not more than \$50,000. Each day a vessel uses a prohibited port is a separate violation.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70305	46 App.:1805.	Pub. L. 99-399, title IX, §909, Aug. 27, 1986, 100 Stat. 892.

§ 70306. Report on terrorist threats

(a) **CONTENT.**—The Secretary shall submit an annual report to Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports. The Secretary shall include a description of activities undertaken under title I of the Maritime Transportation Security Act of 2002 (Public Law 107-295, 116 Stat. 2066) and an analysis of the effect of those activities on port security against acts of terrorism.

(b) **SUBMISSION.**—The report shall be submitted to the Committee on International Relations and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate. Any classified information in the report shall be submitted separately as an addendum.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1685; Pub. L. 109-241, title IX, §901(q), July 11, 2006, 120 Stat. 566; Pub. L. 110-181, div. C, title XXXV, §3525(a)(5), (b), Jan. 28, 2008, 122 Stat. 601.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70306(a)	46 App.:1802.	Pub. L. 99-399, title IX, §§905, 913, Aug. 27, 1986, 100 Stat. 890, 892; Pub. L. 107-295, title I, §110(a), title IV, §408(c)(3), Nov. 25, 2002, 116 Stat. 2091, 2117.
70306(b)	46 App.:1809.	

In subsection (a), the words “February 28 of each year” are substituted for “February 28, 1987, and annually thereafter” in 46 App. U.S.C. 1802 to eliminate obsolete language. The words “Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002” are omitted as obsolete.

In subsection (b), the words “To the extent practicable, the reports required under sections 903, 905, and 907 [46 App. U.S.C. 1801 note, 1802, 1803] shall be consolidated into a single document before being submitted to the Congress” in 46 App. U.S.C. 1809(a) are omitted as unnecessary and obsolete because sections 903 and 907 are being omitted from the revised title and repealed as obsolete. The words “Committee on International Relations” are substituted for “Committee on Foreign Affairs” to reflect changes in committee structure made by the 104th Congress.

REFERENCES IN TEXT

The Maritime Transportation Security Act of 2002, referred to in subsec. (a), is Pub. L. 107-295, Nov. 25, 2002, 116 Stat. 2064. Title I of the Act enacted subtitle VI (now subtitle VII) of this title, amended section 1802 of the former Appendix to this title, sections 661 and 724 of Title 14, Coast Guard, section 1431a of Title 19, Customs Duties, sections 1226, 1501 to 1504, 1507, and 1520 of Title 33, Navigation and Navigable Waters, and sections 192 and 195 of Title 50, War and National Defense, enacted provisions set out as notes under sections 70101, 70103, 70104, 70111, 70114, and 70116 of this title and sections 1226 and 1504 of Title 33, amended provisions

set out as a note under section 2071 of Title 19, and repealed provisions set out as a note under section 2071 of Title 19. For complete classification of title I to the Code, see Tables.

AMENDMENTS

2008—Pub. L. 110-181, §3525(b), repealed Pub. L. 109-241, §901(q). See 2006 Amendment note below.

Subsec. (a). Pub. L. 110-181, §3525(a)(5), incorporated the substance of the amendment by Pub. L. 109-241, §901(q), into this section by substituting “The Secretary shall submit an annual report” for “Not later than February 28 of each year, the Secretary shall submit a report”. See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-241, §901(q), which directed the amendment of section 1802 of the former Appendix to this title from which subsec. (a) of this section was derived, was repealed by Pub. L. 110-181, §3525(b). See 2008 Amendment note for subsec. (a) and Historical and Revision notes above.

CHAPTER 705—MARITIME DRUG LAW ENFORCEMENT

Table with 2 columns: Sec. and Findings and declarations, Definitions, Manufacture, distribution, or possession of controlled substances on vessels, Jurisdiction and venue, Failure to comply with international law as a defense, Penalties, Forfeitures, Operation of submersible vessel or semi-submersible vessel without nationality¹

AMENDMENTS

2008—Pub. L. 110-407, title II, §202(b)(1), Oct. 13, 2008, 122 Stat. 4300, added item 70508.

§ 70501. Findings and declarations

Congress finds and declares that (1) trafficking in controlled substances aboard vessels is a serious international problem, is universally condemned, and presents a specific threat to the security and societal well-being of the United 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.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1685; Pub. L. 110-407, title II, §201, Oct. 13, 2008, 122 Stat. 4299.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70501, 46 App.:1902, Pub. L. 96-350, §2, Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99-307, §7, May 19, 1986, 100 Stat. 447; Pub. L. 99-570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207-95; Pub. L. 99-640, §17, Nov. 10, 1986, 100 Stat. 3552.

¹ So in original. Probably should be followed by a period.

AMENDMENTS

2008—Pub. L. 110-407 inserted cl. (1) designation after “declares that”, substituted “States and” for “States.”, and added cl. (2).

§ 70502. Definitions

(a) APPLICATION OF OTHER DEFINITIONS.—The definitions in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) apply to this chapter.

(b) VESSEL OF THE UNITED STATES.—In this chapter, the term “vessel of the United States” means—

(1) a vessel documented under chapter 121 of this title or numbered as provided in chapter 123 of this title;

(2) a vessel owned in any part by an individual who is a citizen of the United States, the United States Government, the government of a State or political subdivision of a State, or a corporation incorporated under the laws of the United States or of a State, unless—

(A) the vessel has been granted the nationality of a foreign nation under article 5 of the 1958 Convention on the High Seas; and

(B) a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States who is authorized to enforce applicable provisions of United States law; and

(3) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was sold to a person not a citizen of the United States, placed under foreign registry, or operated under the authority of a foreign nation, whether or not the vessel has been granted the nationality of a foreign nation.

(c) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—

(1) IN GENERAL.—In this chapter, the term “vessel subject to the jurisdiction of the United States” includes—

(A) a vessel without nationality;

(B) a vessel assimilated to a vessel without nationality under paragraph (2) of article 6 of the 1958 Convention on the High Seas;

(C) a vessel registered in a foreign nation if that nation has consented or waived objection to the enforcement of United States law by the United States;

(D) a vessel in the customs waters of the United States;

(E) a vessel in the territorial waters of a foreign nation if the nation consents to the enforcement of United States law by the United States; and

(F) a vessel in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999 (43 U.S.C. 1331 note), that—

(i) is entering the United States;

(ii) has departed the United States; or

(iii) is a hovering vessel as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(2) CONSENT OR WAIVER OF OBJECTION.—Consent or waiver of objection by a foreign nation