

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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are omitted as unnecessary and obsolete because sections 903 and 907 are being omitted from the revised title and repealed as obsolete.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 [now 2703] 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title and sections 1226 and 1504 of Title 33, amended provisions set out as a note under section 2071 of Title 19, and repealed provisions set out as a note under section 2071 of Title 19.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 L. 110-181, §3525(b), repealed Pub.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

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

AMENDMENTS

2016—Pub. L. 114-120, title III, §§306(a)(12), 314(e)(2), Feb. 8, 2016, 130 Stat. 55, 59, inserted period at end of item 70508, added item 70503, and struck out former item 70503 “Manufacture, distribution, or possession of controlled substances on vessels”.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

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 to the enforcement of United States law by the United States under paragraph (1)(C) or (E)—

(A) may be obtained by radio, telephone, or similar oral or electronic means; and

(B) is proved conclusively by certification of the Secretary of State or the Secretary’s designee.

(d) VESSEL WITHOUT NATIONALITY.—

(1) IN GENERAL.—In this chapter, the term “vessel without nationality” includes—

(A) a vessel aboard which the master or individual in charge makes a claim of registry that is denied by the nation whose registry is claimed;

(B) a vessel aboard which the master or individual in charge fails, on request of an officer of the United States authorized to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel; and

(C) a vessel aboard which the master or individual in charge makes a claim of registry and for which the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.

(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be

made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary’s designee.

(e) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

(1) possession on board the vessel and production of documents evidencing the vessel’s nationality as provided in article 5 of the 1958 Convention on the High Seas;

(2) flying its nation’s ensign or flag; or

(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

(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.

(Pub. L. 109–304, § 10(2), Oct. 6, 2006, 120 Stat. 1685; Pub. L. 109–241, title III, § 303, July 11, 2006, 120 Stat. 527; Pub. L. 110–181, div. C, title XXXV, § 3525(a)(6), (b), Jan. 28, 2008, 122 Stat. 601; Pub. L. 110–407, title II, § 203, Oct. 13, 2008, 122 Stat. 4300.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70502(a)	46 App.:1903(i).	Pub. L. 96–350, § 3(b), (c), (i), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–95, 3207–97; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3552, 3554; Pub. L. 100–690, title VII, § 7402(b), Nov. 18, 1988, 102 Stat. 4483; Pub. L. 104–324, § 1138(a)(1)–(3), (b), Oct. 19, 1996, 110 Stat. 3988, 3989; Pub. L. 107–295, title IV, § 418(a), Nov. 25, 2002, 116 Stat. 2123.
70502(b)	46 App.:1903(b).	
70502(c)	46 App.:1903(c)(1).	
70502(d)	46 App.:1903(c)(2).	
70502(e)	46 App.:1903(c)(3).	

In subsection (b)(2), before subparagraph (A), the words “individual who is a citizen of the United States” are substituted for “a citizen or national of the United States” because of the definition of “citizen of the United States” in chapter 1 of the revised title. The words “or a territory, commonwealth, or possession of the United States” and “the District of Columbia, or any territory, commonwealth, or possession of the United States” are omitted as unnecessary because of the definition of “State” in chapter 1 of the revised title.

In subsection (b)(3), the words “placed under foreign registry, or operated under the authority of a foreign nation” are substituted for “placed under foreign registry or foreign flag” because of the definition of “foreign vessel” in chapter 1 of the revised title.

In subsection (d)(1)(B), the word “authorized” is substituted for “empowered” for consistency with subsection (b)(2)(B).

AMENDMENTS

2008—Pub. L. 110-181, §3525(b), repealed Pub. L. 109-241, §303. See 2006 Amendment note below.

Subsec. (d)(2). Pub. L. 110-181, §3525(a)(6), incorporated the substance of the amendment by Pub. L. 109-241, §303, into this section by amending heading and text of par. (2) generally. Prior to amendment, text read as follows: “A claim of registry under paragraph (1)(A) or (C) may be verified or denied by radio, telephone, or similar oral or electronic means. The denial of such a claim is proved conclusively by certification of the Secretary of State or the Secretary’s designee.” 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.

Subsec. (f). Pub. L. 110-407 added subsec. (f).

2006—Pub. L. 109-241, §303, which directed the amendment of section 1903(c)(2) of the former Appendix to this title from which subsec. (d) of this section was derived, was repealed by Pub. L. 110-181, §3525(b). See 2008 Amendment note for subsec. (d)(2) and Historical and Revision notes above.

§ 70503. Prohibited acts

(a) PROHIBITIONS.—While on board a covered vessel, an individual may not knowingly or intentionally—

(1) manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance;

(2) destroy (including jettisoning any item or scuttling, burning, or hastily cleaning a vessel), or attempt or conspire to destroy, property that is subject to forfeiture under section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)); or

(3) conceal, or attempt or conspire to conceal, more than \$100,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, or compartment of or aboard the covered vessel if that vessel is outfitted for smuggling.

(b) EXTENSION BEYOND TERRITORIAL JURISDICTION.—Subsection (a) applies even though the act is committed outside the territorial jurisdiction of the United States.

(c) NONAPPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) does not apply to—

(A) a common or contract carrier or an employee of the carrier who possesses or distributes a controlled substance in the lawful and usual course of the carrier’s business; or

(B) a public vessel of the United States or an individual on board the vessel who possesses or distributes a controlled substance in the lawful course of the individual’s duties.

(2) ENTERED IN MANIFEST.—Paragraph (1) applies only if the controlled substance is part of the cargo entered in the vessel’s manifest and is intended to be imported lawfully into the country of destination for scientific, medical, or other lawful purposes.

(d) BURDEN OF PROOF.—The United States Government is not required to negative a defense provided by subsection (c) in a complaint, information, indictment, or other pleading or in a trial or other proceeding. The burden of going

forward with the evidence supporting the defense is on the person claiming its benefit.

(e) COVERED VESSEL DEFINED.—In this section the term “covered vessel” means—

(1) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

(2) any other vessel if the individual is a citizen of the United States or a resident alien of the United States.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1687; Pub. L. 114-120, title III, §314(a), (b), (e)(1), Feb. 8, 2016, 130 Stat. 59.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70503(a)	46 App.:1903(a).	Pub. L. 96-350, §3(a), (e), (h), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99-570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207-95, 3207-96, 3207-97; Pub. L. 99-640, §17, Nov. 10, 1986, 100 Stat. 3552, 3554; Pub. L. 100-690, title VII, §7402(a), Nov. 18, 1988, 102 Stat. 4483.
70503(b)	46 App.:1903(h).	
70503(c)	46 App.:1903(e) (1st sentence).	
70503(d)	46 App.:1903(e) (last sentence).	

In subsection (a), before paragraph (1), the words “may not” are substituted for “It is unlawful for” for consistency in the revised title and to eliminate unnecessary words.

In subsection (b), the words “applies to” are substituted for “is intended to reach” for clarity and to eliminate unnecessary words.

AMENDMENTS

2016—Pub. L. 114-120, §314(e)(1), substituted “Prohibited acts” for “Manufacture, distribution, or possession of controlled substances on vessels” in section catchline.

Subsec. (a). Pub. L. 114-120, §314(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “An individual may not knowingly or intentionally manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance on board—

“(1) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

“(2) any vessel if the individual is a citizen of the United States or a resident alien of the United States.”

Subsec. (e). Pub. L. 114-120, §314(b), added subsec. (e).

§ 70504. Jurisdiction and venue

(a) JURISDICTION.—Jurisdiction of the United States with respect to a vessel subject to this chapter is not an element of an offense. Jurisdictional issues arising under this chapter are preliminary questions of law to be determined solely by the trial judge.

(b) VENUE.—A person violating section 70503 or 70508 of this title shall be tried in the district court of the United States for—

(1) the district at which the person enters the United States; or

(2) the District of Columbia.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 110-407, title II, §202(b)(2), Oct. 13, 2008, 122 Stat. 4300.)