

and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

(b) CAUSING DEATH.—Any person who causes the death of a person by engaging in conduct prohibited by subsection (a) may be punished by death.

(c) DEFINITIONS.—In this section:

(1) BIOLOGICAL AGENT.—The term “biological agent” means any biological agent, toxin, or vector (as those terms are defined in section 178).

(2) BY-PRODUCT MATERIAL.—The term “by-product material” has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) CHEMICAL WEAPON.—The term “chemical weapon” has the meaning given that term in section 229F(1).

(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term “explosive or incendiary device” has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

(5) NUCLEAR MATERIAL.—The term “nuclear material” has the meaning given that term in section 831(f)(1).<sup>1</sup>

(6) RADIOACTIVE MATERIAL.—The term “radioactive material” means—

- (A) source material and special nuclear material, but does not include natural or depleted uranium;
- (B) nuclear by-product material;
- (C) material made radioactive by bombardment in an accelerator; or
- (D) all refined isotopes of radium.

(8)<sup>2</sup> SOURCE MATERIAL.—The term “source material” has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(9) SPECIAL NUCLEAR MATERIAL.—The term “special nuclear material” has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(Added Pub. L. 109–177, title III, §305(a), Mar. 9, 2006, 120 Stat. 236.)

#### REFERENCES IN TEXT

Section 831(f)(1), referred to in subsec. (c)(5), was redesignated section 831(g)(1) by Pub. L. 114–23, title VIII, §812(d), June 2, 2015, 129 Stat. 312.

### § 2284. Transportation of terrorists

(a) IN GENERAL.—Whoever knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States national-

ity, knowing that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

(b) DEFINED TERM.—In this section, the term “terrorist” means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).

(Added Pub. L. 109–177, title III, §305(a), Mar. 9, 2006, 120 Stat. 237.)

### § 2285. Operation of submersible vessel or semi-submersible vessel without nationality

(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks 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, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes 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) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

(d) 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.

(e) AFFIRMATIVE DEFENSES.—

(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

- (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

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. No par. (7) has been enacted.