

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 L. 110-181, §3525(b), repealed Pub.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 (d) of this section was derived, was repealed by Pub.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—

(1) shall be tried in the district in which such offense was committed; or

(2) if the offense was begun or committed upon the high seas, or elsewhere outside the jurisdiction of any particular State or district, may be tried in any district.

(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; Pub. L. 115–91, div. A, title X, §1012(a), Dec. 12, 2017, 131 Stat. 1546.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70504	46 App.:1903(f).	Pub. L. 96–350, §3(f), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207–97; Pub. L. 99–640, §17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 104–324, §1138(a)(5), Oct. 19, 1996, 110 Stat. 3989.

AMENDMENTS

2017—Subsec. (b). Pub. L. 115–91 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(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.”

2008—Subsec. (b). Pub. L. 110–407 inserted “or 70508” after “70503” in introductory provisions.

§ 70505. Failure to comply with international law as a defense

A person charged with violating section 70503 of this title, or against whom a civil enforcement proceeding is brought under section 70508, does not have standing to raise a claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this chapter may be made only by a foreign nation. A failure to comply with international law does not divest a court of jurisdiction and is not a defense to a proceeding under this chapter.

(Pub. L. 109–304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 110–407, title II, §202(b)(3), 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>
70505	46 App.:1903(d).	Pub. L. 96–350, §3(d), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207–96; Pub. L. 99–640, §17, Nov. 10, 1986, 100 Stat. 3553; Pub. L. 104–324, §1138(a)(4), Oct. 19, 1996, 110 Stat. 3989.

AMENDMENTS

2008—Pub. L. 110–407 substituted “this title, or against whom a civil enforcement proceeding is brought under section 70508,” for “this title”.

§ 70506. Penalties

(a) VIOLATIONS.—A person violating paragraph (1) of section 70503(a) of this title shall be punished as provided in section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960). However, if the offense is a second or subsequent offense as provided in section 1012(b) of that Act (21 U.S.C. 962(b)), the person shall be punished as provided in section 1012 of that Act (21 U.S.C. 962).

(b) ATTEMPTS AND CONSPIRACIES.—A person attempting or conspiring to violate section 70503 of this title is subject to the same penalties as provided for violating section 70503.

(c) SIMPLE POSSESSION.—

(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$5,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.

(d) PENALTY.—A person violating paragraph (2) or (3) of section 70503(a) shall be fined in accordance with section 3571 of title 18, imprisoned not more than 15 years, or both.

(Pub. L. 109–304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 111–281, title III, §302, Oct. 15, 2010, 124 Stat. 2923; Pub. L. 114–120, title III, §314(c), Feb. 8, 2016, 130 Stat. 59.)