

(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.

Editorial Notes

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

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

Editorial Notes

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

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

Editorial Notes

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 pun-