

smuggling tactics used to avoid detection by law enforcement authorities.

(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on an individual aboard the vessel, of a quantity or other nature that reasonably indicates manufacturing or distribution activity.

(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 114-120, title III, §314(d), Feb. 8, 2016, 130 Stat. 59.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70507	46 App.:1904.	Pub. L. 96-350, §4, 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. 107-295, title IV, §418(b), Nov. 25, 2002, 116 Stat. 2123.

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-120 substituted “section 70503 or 70508” for “section 70503”.

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

(a) IN GENERAL.—An individual may not operate by any means or embark 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.

(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation 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) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

(c) DEFENSES.—

(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

(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 monitoring system, or long range identification and tracking system.

(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

(A) government documents evidencing the vessel’s nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

(B) a certificate of classification issued by the vessel’s classification society upon completion of relevant classification surveys and valid at the time of the offense; or

(C) government documents evidencing licensure, regulation, or registration for research or exploration.

(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than \$1,000,000.

(Added Pub. L. 110-407, title II, §202(a), Oct. 13, 2008, 122 Stat. 4299.)

Subtitle VIII—Miscellaneous

Chapter	Sec.
801. Wrecks and Salvage	80101
803. Ice and Derelicts	80301
805. Safe Containers for International Cargo	80501

CHAPTER 801—WRECKS AND SALVAGE

Sec.	
80101.	Vessel stranded on foreign coast.
[80102.	Repealed.]
80103.	Property on Florida coast to be taken to port of entry.
80104.	Salvaging operations by foreign vessels.
80105.	Canadian vessels aiding vessels in United States waters.
80106.	International agreement on derelicts.
80107.	Salvors of life to share in remuneration.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-375, §1(2), Oct. 8, 2008, 122 Stat. 4055, struck out item 80102 “License to salvage on Florida coast”.

§ 80101. Vessel stranded on foreign coast

(a) DUTIES OF CONSULAR OFFICER.—When a vessel of the United States is stranded on a coast of a foreign country, the consular officer in that country shall take proper measures, to the extent the laws of that country allow, to—

(1) save and secure the vessel and property on the vessel; and

(2) prepare an inventory of the property that is saved.

(b) DELIVERY TO OWNER.—After deducting the expenses, the consular officer shall deliver the property, with an inventory, to the owner of the property.

(c) LIMITATION ON TAKING POSSESSION.—A consular officer may not take possession of property under this section when the owner, master, or consignee is present or able to take possession of the property.

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1690.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80101	46 App.:721.	R.S. §4238.

In this section, the words “consular officer” are substituted for “Consuls and vice consuls” and “consul or vice consul” for consistency in the revised title.

Subsection (a)(1) is substituted for “as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved” to eliminate unnecessary words.

[§ 80102. Repealed. Pub. L. 110-375, § 1(1), Oct. 8, 2008, 122 Stat. 4055]

Section, Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1690, related to license to salvage on Florida coast.

§ 80103. Property on Florida coast to be taken to port of entry

(a) IN GENERAL.—Property taken from a wreck, the sea, or a key or shoal, on the coast of Florida and within the jurisdiction of the United States, shall be brought to a port of entry of the United States.

(b) SEIZURE AND FORFEITURE.—A vessel transporting property described in subsection (a) to a foreign port may be seized by, and forfeited to, the United States Government. A forfeiture under this subsection accrues half to the informer and half to the Government.

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1690.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80103	46 App.:722. 46 App.:723.	R.S. §4239. R.S. §4240.

In subsection (a), the words “of any description whatsoever” are omitted as unnecessary.

In subsection (b), the words “transporting property described in subsection (a) of this section” are substituted for “which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida” to eliminate unnecessary words. The words “may be seized by, and forfeited to, the United States Government” are substituted for “shall . . . be forfeited” for consistency in the revised title. The words “together with her tackle, apparel, and furniture” are omitted as unnecessary. The words “accrues half to the informer and half to the Government” are substituted for “one moiety to the informer and the other to the United States” to use more commonly understood language.

§ 80104. Salvaging operations by foreign vessels

(a) PROHIBITION.—Except as provided in this section or section 80105 of this title, a foreign vessel may not, under penalty of forfeiture, engage in salvaging operations on the Atlantic or Pacific coast of the United States, in any portion of the Great Lakes or their connecting or tributary waters, including any portion of the Saint Lawrence River through which the international boundary line extends, or in territorial waters of the United States on the Gulf of Mexico.

(b) WHEN SUITABLE VESSEL NOT AVAILABLE.—The Secretary of Homeland Security may authorize a foreign vessel to engage in salvaging operations in a particular locality if, on investigation, the Secretary is satisfied that there is not available in that locality a suitable vessel that is—

(1) owned only by citizens of the United States (including a Bowaters corporation under section 12118 of this title); and

(2) documented under chapter 121 of this title or numbered under chapter 123 of this title.

(c) OPERATIONS AUTHORIZED BY TREATY.—This section does not prohibit or restrict assistance to vessels or salvaging operations authorized by treaty, including—

(1) article II of the Treaty between the United States and Great Britain concerning reciprocal rights for United States and Canada in the conveyance of prisoners and wrecking and salvage, signed at Washington, May 18, 1908 (35 Stat. 2036); or

(2) the Treaty between the United States of America and Mexico to facilitate assistance to and salvage of vessels in territorial waters, signed at Mexico City, June 13, 1935 (49 Stat. 3359).

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1691.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80104(a)	46 App.:316(d) (words before proviso).	R.S. §4370(d), (e); June 11, 1940, ch. 324, 54 Stat. 305.
80104(b)	46 App.:316(d) (proviso).	
80104(c)	46 App.:316(e).	

In subsection (a), the words “authorized by a treaty” are omitted because they are restated in subsection (c).

In subsection (b), before paragraph (1), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 316. The words “and no penalty shall be incurred for such authorized use” are omitted as unnecessary.

In subsection (b)(1), the words “(including a Bowaters corporation under section 12118 of this title)” are added because the source for section 12118 (46 App. U.S.C. 883-1) provides that a corporation meeting the requirements of that section is also a citizen of the United States under 46 App. U.S.C. 316, restated in part in this section.