

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