

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.

Subsection (b)(2) is substituted for “documented under the laws of the United States or numbered pursuant to the Act of June 7, 1918, as amended (46 U.S.C. 288)” to refer to the current provisions on documentation and numbering.

In subsection (c), the words “authorized by treaty, including” are added because the words “authorized by a treaty” are omitted from subsection (a).

§ 80105. Canadian vessels aiding vessels in United States waters

(a) IN GENERAL.—Canadian vessels and wrecking equipment may give aid to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to Canada, including—

- (1) the canal and improvement of the waters between Lake Erie and Lake Huron; and
- (2) the Saint Marys River and canal.

(b) RECIPROCITY.—This section does not apply after the President proclaims that privileges reciprocal to those under subsection (a) have been withdrawn or rendered inoperative by the Government of Canada.

(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>
80105	46 App.:725.	June 19, 1878, ch. 324, 20 Stat. 175; May 24, 1890, ch. 292, 26 Stat. 120; Mar. 3, 1893, ch. 211, §1 (last par. under heading “Department of State”), 27 Stat. 683.

In subsection (a), before paragraph (1), the word “equipment” is substituted for “appurtenance” to use more commonly understood language. The words “and assistance” are omitted as unnecessary.

Subsection (b) is substituted for “this section shall cease to be in force and effect from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada” to eliminate unnecessary words.

§ 80106. International agreement on derelicts

The President may make an international agreement with other governments interested in the navigation of the North Atlantic Ocean, providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation outside the coast waters of the countries bordering the North Atlantic Ocean.

(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>
80106	46 App.:726.	Oct. 31, 1893, No. 13, 28 Stat. 13.

§ 80107. Salvors of life to share in remuneration

(a) ENTITLEMENT OF SALVORS.—A salvor of human life, who gave aid following an accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

(b) COMMON OWNERSHIP OF VESSELS.—The right to remuneration for aid or salvage services is not affected by common ownership of the vessels giving and receiving the aid or salvage services.