

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.

(2) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms “small passenger vessel”, “uninspected passenger vessel”, and “passenger for hire” have the meaning given those terms in section 2101 of this title.

(b) ISSUANCE OF CERTIFICATE AND ENDORSEMENT.—Notwithstanding sections 12112, 12113, 55102, and 55103 of this title, the Secretary may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel in the case of an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary of Transportation, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

- (1) United States vessel builders; or
- (2) the coastwise trade business of any person that employs vessels built in the United States in that business.

(c) REVOCATION.—

(1) FOR FRAUD.—The Secretary shall revoke a certificate or endorsement issued under subsection (b) if the Secretary of Transportation, after notice and an opportunity for a hearing, determines that the certificate or endorsement was obtained by fraud.

(2) OTHER PROVISIONS NOT AFFECTED.—Paragraph (1) does not affect—

- (A) the criminal prohibition on fraud and false statements in section 1001 of title 18; or
- (B) any other authority of the Secretary to revoke a certificate or endorsement issued under subsection (b).

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1504.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12121	46:12106 note.	Pub. L. 105-383, title V, §§502-504, Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107-295, title II, §207(c)(2), Nov. 25, 2002, 116 Stat. 2097.

The definition of “Secretary” is omitted for consistency in the chapter.

PRIOR PROVISIONS

A prior section 12121, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 589, originally derived from section 65v(2) of former Title 46, Shipping, related to the authority of the Secretary to prescribe regulations to carry out this chapter, prior to being repealed by Pub. L. 100-710, title I, §§106(b)(5), 107(a), Nov. 23, 1988, 102 Stat. 4752, effective Jan. 1, 1989.

A prior section 12122, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 590; Pub. L. 99-307, §1(16), May 19, 1986, 100 Stat. 446; Pub. L. 104-324, title III, §301(a), (b), Oct. 19, 1996, 110 Stat. 3916; Pub. L. 105-277, div. C, title II, §203(f), Oct. 21, 1998, 112 Stat. 2681-620; Pub. L. 106-31, title III, §3027(b), May 21, 1999, 113 Stat. 101; Pub. L. 108-293, title IV, §404(b), Aug. 9, 2004, 118 Stat. 1043, originally derived from sections 65n and 65u(a) of former Title 46, Shipping, related to penalties, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12151 of this title.

A prior section 12123, added Pub. L. 102-587, title V, §5213(a)(3), Nov. 4, 1992, 106 Stat. 5077, related to denial and revocation of endorsements, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12152 of this title.

Another prior section 12123, added Pub. L. 102-388, title III, §348(a), Oct. 6, 1992, 106 Stat. 1554, related to the denial and revocation of trade or recreational endorsement upon failure of vessel’s owner to pay assessment of civil penalty for violation of law, prior to repeal by Pub. L. 104-324, title VII, §746(a)(1), Oct. 19, 1996, 110 Stat. 3943.

A prior section 12124, added Pub. L. 105-383, title IV, §401(a)(2), Nov. 13, 1998, 112 Stat. 3424, related to surrender of title and number, prior to the general amendment of this chapter by Pub. L. 109-304. See section 12106 of this title.

EFFECT OF REPEAL

Pub. L. 107-295, title II, §207(c)(1), Nov. 25, 2002, 116 Stat. 2097, provided that: “Section 505 of the Coast Guard Authorization Act of 1998 [Pub. L. 105-383] [formerly] 46 U.S.C. 12106 note) is repealed. The repeal of section 505 shall have no effect on the validity of any certificate or endorsement issued under section 502 of that Act [now 46 U.S.C. 12121(b)].”

SUBCHAPTER III—MISCELLANEOUS

§ 12131. Command of documented vessels

(a) IN GENERAL.—Except as provided in subsection (b), a documented vessel may be placed under the command only of a citizen of the United States.

(b) EXCEPTIONS.—Subsection (a) does not apply to—

- (1) a vessel with only a recreational endorsement; or
- (2) an unmanned barge operating outside of the territorial waters of the United States.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1505; Pub. L. 110-181, div. C, title XXXV, §3529(a)(3), Jan. 28, 2008, 122 Stat. 603.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12131	46:12110(d).	

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “command” for “commmand”.

§ 12132. Loss of coastwise trade privileges

(a) SOLD FOREIGN OR PLACED UNDER FOREIGN REGISTRY.—A vessel of more than 200 gross tons (as measured under chapter 143 of this title), eligible to engage in the coastwise trade, and later sold foreign in whole or in part or placed under foreign registry may not thereafter engage in the coastwise trade.

(b) REBUILT OUTSIDE THE UNITED STATES.—A vessel eligible to engage in the coastwise trade and later rebuilt outside the United States may not thereafter engage in the coastwise trade.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1505.)