

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12132(a)	46 App.:883 (1st proviso).	June 5, 1920, ch. 250, § 27 (1st proviso, 2d proviso less meaning of “rebuilt”), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86-583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100-239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 104-324, title XI, § 1120(e), Oct. 19, 1996, 110 Stat. 3978.
12132(b)	46 App.:883 (2d proviso less meaning of “rebuilt”).	

In subsection (a), the words “eligible to engage in the coastwise trade” are substituted for “having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States”, and the words “thereafter engage” are substituted for “hereafter acquire the right to engage”, to eliminate unnecessary words.

In subsection (b), the words “eligible to engage in the coastwise trade” are substituted for “which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States”, and the words “thereafter engage” are substituted for “have the right thereafter to engage”, to eliminate unnecessary words. See section 12101 for the meaning of “rebuilt in the United States”.

§ 12133. Duty to carry certificate on vessel and allow examination

(a) DUTY TO CARRY.—The certificate of documentation of a vessel shall be carried on the vessel unless the vessel is exempt by regulation from carrying the certificate.

(b) AVAILABILITY.—The owner or individual in charge of a vessel required to carry its certificate of documentation shall make the certificate available for examination at the request of an officer enforcing the revenue laws or as otherwise required by law or regulation.

(c) CRIMINAL PENALTY.—A person willfully violating subsection (b) shall be fined under title 18, imprisoned for not more than one year, or both.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12133	46:12103(e), 46 App.:277.	R.S. § 4336; Aug. 5, 1935, ch. 438, title III, § 312, 49 Stat. 528; Pub. L. 85-237, § 2, Aug. 30, 1957, 71 Stat. 518; Pub. L. 103-182, title VI, § 686(a)(5), Dec. 8, 1993, 107 Stat. 2220.

This section consolidates and clarifies the requirements contained in the source provisions. The specific civil penalties are omitted as unnecessary because of the general civil penalty in section 12151(a) of the revised title. See also 19 U.S.C. 1581.

§ 12134. Evidentiary uses of documentation

A certificate of documentation is—

- (1) conclusive evidence of nationality for international purposes, but not in a proceeding conducted under the laws of the United States;
- (2) conclusive evidence of qualification to engage in a specified trade; and
- (3) not conclusive evidence of ownership in a proceeding in which ownership is in issue.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1506.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12134	46:12104.	

§ 12135. Invalidation of certificates of documentation

A certificate of documentation or an endorsement on the certificate is invalid if the vessel for which it is issued—

- (1) no longer meets the requirements of this chapter and regulations prescribed under this chapter applicable to the certificate or endorsement; or
- (2) is placed under the command of an individual not a citizen of the United States in violation of section 12131 of this title.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1506.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12135	46:12111(a).	

In paragraph (2), the words “except for a recreational endorsement” are omitted as unnecessary because a recreational endorsement does not permit a vessel to engage in a trade.

§ 12136. Surrender of certificates of documentation

(a) SURRENDER.—An invalid certificate of documentation, or a certificate with an invalid endorsement, shall be surrendered as provided by regulations prescribed by the Secretary.

(b) CONDITIONS FOR SURRENDER.—

(1) VESSELS OVER 1,000 TONS.—The Secretary may condition approval of the surrender of the certificate of documentation for a vessel over 1,000 gross tons.

(2) VESSELS COVERED BY MORTGAGE.—The Secretary may approve the surrender of the certificate of documentation of a vessel covered by a mortgage filed or recorded under section 31321 of this title only if the mortgagee consents.

(3) NOTICE OF LIEN.—The Secretary may not refuse to approve the surrender of the certificate of documentation for a vessel solely on the basis that a notice of a claim of a lien on the vessel has been recorded under section 31343(a) of this title.

(c) CONTINUED APPLICATION OF CERTAIN LAWS.—

(1) IN GENERAL.—Notwithstanding subsection (a), until the certificate of documentation is surrendered with the approval of the Secretary, a documented vessel is deemed to continue to be documented under this chapter for purposes of—

(A) chapter 313 of this title for an instrument filed or recorded before the date of invalidation and an assignment after that date;

(B) sections 56101 and 56102(a)(2) and chapter 563 of this title; and

(C) any other law of the United States identified by the Secretary by regulation as a law to which the Secretary applies this subsection.

(2) EXCEPTION.—This subsection does not apply when a vessel is forfeited or sold by order of a district court of the United States.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1506.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 12136(a) through 12136(c)(2) and their corresponding U.S. Code and Statutes at Large references.

In subsection (a), the words “or a certificate with an invalid endorsement” are added for clarity.

DOCUMENTATION SURRENDER AND INVALIDATION

Pub. L. 101–225, title III, §301(b), Dec. 12, 1989, 103 Stat. 1922, provided that: “Section 12111(c)(3) [now section 12136(b)(2)] of title 46, United States Code, does not apply to a mortgage that—

“(1) was filed or recorded before January 1, 1989; and

“(2) was not a preferred mortgage (as that term is defined in section 31301(6) of that title) on that date.”

§ 12137. Recording of vessels built in the United States

The Secretary may provide for recording and certifying information about vessels built in the United States that the Secretary considers to be in the public interest.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1507.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 12137 and its source in the U.S. Code.

§ 12138. List of documented vessels

(a) IN GENERAL.—The Secretary shall publish periodically a list of all documented vessels and information about those vessels that the Secretary considers pertinent or useful. The list shall contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

(b) VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR.—

(1) IN GENERAL.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are documented under this chapter, are at least 200 feet in length, and have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classed as a cable ship or cable vessel.

(2) INFORMATION TO BE INCLUDED.—For each vessel listed in the inventory, the Secretary of Transportation shall include in the inventory—

(A) the name, length, beam, depth, and other distinguishing characteristics of the vessel;

(B) the abilities and limitations of the vessel with respect to laying, maintaining, and repairing a submarine cable; and

(C) the name and address of the person to whom inquiries regarding the vessel may be made.

(3) PUBLICATION.—The Secretary of Transportation shall publish in the Federal Register an updated inventory every 6 months.

(Pub. L. 109–304, § 5, Oct. 6, 2006, 120 Stat. 1507.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 12138(a) and 12138(b) and their corresponding U.S. Code and Statutes at Large references.

In subsection (b), the word “Secretary” is substituted for “Secretary of Transportation” for consistency in the chapter.

§ 12139. Reports

(a) IN GENERAL.—To ensure compliance with this chapter and laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners, masters, charterers, and mortgagees of documented vessels to submit reports in any reasonable form and manner the Secretary may prescribe.