

tion 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12137	46:12117.	

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12138(a)	46:12119.	
12138(b)	46:12119 note.	Pub. L. 107-295, title IV, § 403, Nov. 25, 2002, 116 Stat. 2114.

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 qualifica-

tions 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.

(b) VESSELS REBUILT OUTSIDE UNITED STATES.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary, if a vessel exceeding the tonnage specified in paragraph (2) and documented or last documented under the laws of the United States is rebuilt outside the United States, the owner or master shall submit a report of the rebuilding to the Secretary.

(2) TONNAGE.—The tonnage referred to in paragraph (1) is—

- (A) 500 gross tons as measured under section 14502 of this title; or
- (B) an alternate tonnage as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

(3) TIMING OF SUBMISSION.—If the rebuilding is completed in the United States, the report shall be submitted when the rebuilding is completed. If the rebuilding is completed outside the United States, the report shall be submitted when the vessel first arrives at a port in the customs territory of the United States.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1507; Pub. L. 109-241, title III, § 308, July 11, 2006, 120 Stat. 528; Pub. L. 110-181, div. C, title XXXV, § 3525(a)(2), (b), Jan. 28, 2008, 122 Stat. 600, 601.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12139(a)	46:12120.	
12139(b)	46 App.:883a (1st sentence).	July 14, 1956, ch. 600, § 2 (1st sentence), 70 Stat. 544; Pub. L. 86-583, § 2, July 5, 1960, 74 Stat. 321; Pub. L. 104-324, title VII, § 707, Oct. 19, 1996, 110 Stat. 3934.

In subsection (b)(1), the word “Secretary” is substituted for “Secretary of the Treasury”, thereby incorporating the definition of “Secretary” in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135). The words “rebuilt outside the United States” are substituted for “and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions” because of the definition of “rebuilt” in section 12101, and the definition of “United States” in chapter 1, of the revised title.

AMENDMENTS

2008—Pub. L. 110-181, § 3525(b), repealed Pub. L. 109-241, § 308. See 2006 Amendment note below.

Subsec. (a). Pub. L. 110-181, § 3525(a)(2), incorporated the substance of the amendment by Pub. L. 109-241, § 308, into this section by substituting “charterers, and mortgagees” for “and charterers”. See 2006 Amendment

note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-241, § 308, which directed the amendment of former section 12120 of this title from which subsec. (a) of this section was derived, was repealed by Pub. L. 110-181, § 3525(b). See 2008 Amendment note for subsec. (a) and Historical and Revision notes above.

SUBCHAPTER IV—PENALTIES

§ 12151. Penalties

(a) IN GENERAL.—A person that violates this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$10,000. Each day of a continuing violation is a separate violation.

(b) SEIZURE AND FORFEITURE OF VESSELS.—A vessel and its equipment are liable to seizure by and forfeiture to the Government if—

(1) the owner of the vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation, about the documentation of the vessel or in applying for documentation of the vessel;

(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

(3) the vessel is operated after its endorsement has been denied or revoked under section 12152 of this title;

(4) the vessel is employed in a trade without an appropriate endorsement;

(5) the vessel has only a recreational endorsement and is operated other than for pleasure;

(6) the vessel is a documented vessel and is placed under the command of a person not a citizen of the United States, except as authorized by section 12131(b) of this title; or

(7) the vessel is rebuilt outside the United States and a report of the rebuilding is not submitted as required by section 12139(b) of this title.

(c) ENGAGING IN FISHING AFTER FALSIFYING ELIGIBILITY.—In addition to other penalties under this section, the owner of a documented vessel for which a fishery endorsement has been issued is liable to the Government for a civil penalty of not more than \$100,000 for each day the vessel engages in fishing (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone, if the owner or the representative or agent of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation, about the eligibility of the vessel under section 12113(c) or (d) of this title in applying for or applying to renew the fishery endorsement.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1508.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 12151(a) and 12151(b) refer to 46:12122(a) and 46:12122(b), and 46 App.:14 (last proviso). Row 2: R.S. §4136 (last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103-182, title VI, §686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

HISTORICAL AND REVISION NOTES—CONTINUED

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 12151(c) refers to 46 App.:883a (2d, last sentences) and 46:12122(c). Source (Statutes at Large) includes July 14, 1956, ch. 600, § 2 (2d, last sentences), 70 Stat. 544; Pub. L. 86-583, § 2, July 5, 1960, 74 Stat. 321.

In subsection (b), in restating 46 App. U.S.C. 883a (2d, last sentences), the penalty of \$200 for the owner and master of the vessel is omitted because subsection (a) provides a general civil penalty for violation of this chapter. The authority to remit or mitigate a penalty under section 2107(b) is omitted because section 2107(b) applies to subtitle II and this section is in subtitle II.

§ 12152. Denial or revocation of endorsement for non-payment of civil penalty

If the owner of a vessel fails to pay a civil penalty imposed by the Secretary, the Secretary may deny the issuance or renewal of an endorsement, or revoke the endorsement, on a certificate of documentation issued for the vessel under this chapter.

(Pub. L. 109-304, § 5, Oct. 6, 2006, 120 Stat. 1508.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 12152 refers to 46:12123.

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

- Sec. 12301. Numbering vessels. 12302. Standard numbering system. 12303. Exemption from numbering requirements. 12304. Certificates of numbers. 12305. Displaying numbers. 12306. Safety certificates. 12307. Regulations on numbering and fees. 12308. Providing vessel numbering and registration information. 12309. Penalties.

§ 12301. Numbering vessels

(a) An undocumented vessel equipped with propulsion machinery of any kind shall have a number issued by the proper issuing authority in the State in which the vessel principally is operated.

(b) The Secretary shall require an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 590; Pub. L. 102-587, title V, § 5305, Nov. 4, 1992, 106 Stat. 5083.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 12301 refers to 46:1466.

Section 12301 requires that undocumented vessels that are propelled by machinery be issued an identification number by the proper issuing authority in the State in which the vessel is primarily operated.

AMENDMENTS

1992—Pub. L. 102-587 designated existing provisions as subsec. (a) and added subsec. (b).