

the Secretary that circumstances beyond the direct control of such person or its affiliates prevent, or reasonably threaten to prevent, such person from satisfying such requirement, and the Secretary does not, with good cause, determine otherwise. The waiver or reduction shall apply during the period of time that such circumstances exist.”

§ 12120. Liquefied gas tankers

Notwithstanding any agreement with the United States Government, the Secretary may issue a certificate of documentation with a coastwise endorsement for a vessel to transport liquefied natural gas or liquefied petroleum gas to Puerto Rico from other ports in the United States, if the vessel—

- (1) is a foreign built vessel that was built before October 19, 1996; or
- (2) was documented under this chapter before that date, even if the vessel is placed under a foreign registry and subsequently re-documented under this chapter for operation under this section.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12120	46 App.:883 note.	Pub. L. 104–324, title VII, §1120(f), Oct. 19, 1996, 110 Stat. 3978.

The words “Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156)” are omitted as unnecessary. The words “the Commonwealth of” are omitted as unnecessary and for consistency in the revised title.

Editorial Notes

PRIOR PROVISIONS

A prior section 12120, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 589; Pub. L. 100–710, title I, §104(a)(4), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 108–293, title IV, §401, Aug. 9, 2004, 118 Stat. 1042; Pub. L. 109–241, title III, §308, July 11, 2006, 120 Stat. 528, originally derived from section 65t of former Title 46, Shipping, related to reports, prior to the general amendment of this chapter by Pub. L. 109–304. See section 12139 of this title.

§ 12121. Small passenger vessels and uninspected passenger vessels

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE VESSEL.—The term “eligible vessel” means a vessel that—

- (A) was built in the United States;
- (B) was not built in the United States and is at least 3 years old; or
- (C) if rebuilt, was rebuilt—
 - (i) in the United States; or
 - (ii) 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,

12132, 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; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8312, Jan. 1, 2021, 134 Stat. 4697.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116–283, §8312(1), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which read as follows:

“(A) was not built in the United States and is at least 3 years old; or

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

Subsec. (b). Pub. L. 116–283, §8312(2), inserted “12132,” after “12113,” in introductory provisions.

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 de-