

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).

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

Statutory Notes and Related Subsidiaries

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.

§ 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).

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.

(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

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

#### Editorial Notes

##### 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.

#### § 12140. Investigations by Secretary

(a) **IN GENERAL.**—The Secretary may conduct investigations and inspections regarding compliance with this chapter and regulations prescribed under this chapter.

(b) **AUTHORITY TO OBTAIN EVIDENCE.**—

(1) **IN GENERAL.**—For the purposes of any investigation conducted under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence relevant to the matter under investigation if—

(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

(i) is reasonable; and  
(ii) will interfere with a criminal investigation; and

(B) the Attorney General—

(i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or

(ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

(2) **ENFORCEMENT.**—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.

(Added Pub. L. 112–213, title III, § 308(a), Dec. 20, 2012, 126 Stat. 1566.)

#### SUBCHAPTER IV—PENALTIES

#### § 12151. Penalties

(a) **IN GENERAL.**—

(1) **CIVIL PENALTIES.**—Except as provided in paragraph (2), 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 \$15,000. Each day of a continuing violation is a separate violation.

(2) **ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.**—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is \$25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. 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