

be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

“(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

“(d) REFERENCES TO TITLE 46 PROVISIONS.—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

“(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

“(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

“(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.”

REPEALS AND SAVINGS PROVISIONS

Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1710, as amended by Pub. L. 110-181, div. C, title XXXV, §3529(b)(1)(C), Jan. 28, 2008, 122 Stat. 603, repealed specified laws relating to shipping, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before Oct. 6, 2006.

Pub. L. 100-710, title I, §106(a), Nov. 23, 1988, 102 Stat. 4752, provided that: “The repeal of a law by this title may not be construed as a legislative implication that the provision was or was not in effect before its repeal.”

Pub. L. 100-710, title I, §106(b), Nov. 23, 1988, 102 Stat. 4752, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this title, which is Jan. 1, 1989, with certain exceptions and qualifications, see section 107 of Pub. L. 100-710, set out as an Effective Date note under section 31301 of this title.

Pub. L. 99-509, title V, subtitle B, §5104(a), Oct. 21, 1986, 100 Stat. 1928, provided that: “The repeal of a law by this subtitle may not be construed as a legislative implication that the provision was or was not in effect before its repeal.”

Pub. L. 99-509, title V, subtitle B, §5104(b), Oct. 21, 1986, 100 Stat. 1928, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Oct. 21, 1986.

Pub. L. 98-89, §4(a), Aug. 26, 1983, 97 Stat. 599, provided that: “The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal.”

Pub. L. 98-89, §4(b), Aug. 26, 1983, 97 Stat. 599, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 26, 1983, and except as provided by section 2 of Pub. L. 98-89, set out as notes above and notes under sections 3101, 3302, 3715, and 6301 of this title.

RULE OF CONSTRUCTION

Pub. L. 115-282, title IV, §404, Dec. 4, 2018, 132 Stat. 4265, provided that: “This title [see Tables for classification], including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act [Pub. L. 92-340, former 33 U.S.C. 1221 et seq.] to title 46, United States Code, and may not be construed to alter—

“(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

“(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

“(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.”

Subtitle I—General

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Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §8605(b)(4), Jan. 1, 2021, 134 Stat. 4765, struck out item for chapter 3 “Federal Maritime Commission”.

CHAPTER 1—DEFINITIONS

Sec. 101. Agency.
102. Barge.
103. Boundary Line.
104. Citizen of the United States.
105. Consular officer.
106. Documented vessel.
107. Exclusive economic zone.
108. Fisheries.
109. Foreign commerce or trade.
110. Foreign vessel.
111. Numbered vessel.
112. State.
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114. United States.
115. Vessel.
116. Vessel of the United States.

§ 101. Agency

In this title, the term “agency” means a department, agency, or instrumentality of the United States Government.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 101 shows (no source).

A definition of “agency” is added to avoid having to repeat the substance of the definition at various places in the revised title.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 117-14, §1, May 24, 2021, 135 Stat. 273, provided that: “This Act [enacting section 3510 of this title] may be cited as the ‘Alaska Tourism Restoration Act.’”

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-92, div. C, title XXXV, §3514(a), Dec. 20, 2019, 133 Stat. 1980, provided that: “This section [amending section 50302 of this title, enacting provisions set out as a note under section 50302 of this title, and amending provisions set out as notes under section 51318 of this title and section 9620 of Title 42, The Public Health and Welfare] may be cited as the ‘Ports Improvement Act.’”

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-265, §1, Oct. 11, 2018, 132 Stat. 3742, provided that: “This Act [enacting section 6309 of this

title, amending sections 2116, 3306, 3316, and 6101 of this title and sections 1952, 1954, and 1958 of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under this section, sections 2101, 2116, 3201, 3203, 3306, 3315, and 3316 of this title, sections 1, 58, 88, and 93 of Title 14, Coast Guard, and section 822 of Title 45, Railroads] may be cited as the ‘Save Our Seas Act of 2018’.”

Pub. L. 115-265, title II, §201, Oct. 11, 2018, 132 Stat. 3744, provided that: “This title [enacting section 6309 of this title, amending sections 2116, 3306, 3316, and 6101 of this title, and enacting provisions set out as notes under sections 2101, 2116, 3201, 3203, 3306, 3315, and 3316 of this title, sections 88 and 93 of Title 14, Coast Guard, and section 822 of Title 45, Railroads] may be cited as the ‘Hamm Alert Maritime Safety Act of 2018’.”

Pub. L. 115-254, div. J, §1801, Oct. 5, 2018, 132 Stat. 3533, provided that: “This division [div. J (§§1801-1816) of Pub. L. 115-254, enacting sections 243 and 244 of Title 6, Domestic Security, amending sections 70101 to 70103, and 70112 of this title, and sections 921, 941, 945, and 983 of Title 6, repealing sections 70107A and 70116 of this title and sections 922 and 984 of Title 6, enacting provisions set out as notes under sections 70101, 70102, 70107A, and 70112 of this title, and amending provisions set out as a note under section 70107A of this title] may be cited as the ‘Maritime Security Improvement Act of 2018’.”

#### SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-213, title V, §501, Dec. 20, 2012, 126 Stat. 1574, provided that: “This title [enacting section 51705 of this title, amending section 55305 of this title, and enacting provisions set out as a note under section 51705 of this title] may be cited as the ‘Piracy Suppression Act of 2012’.”

#### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-281, title VI, §601, Oct. 15, 2010, 124 Stat. 2959, provided that: “This title [see Tables for classification] may be cited as the ‘Maritime Safety Act of 2010’.”

Pub. L. 111-207, §1(a), July 27, 2010, 124 Stat. 2243, provided that: “This Act [enacting sections 3507 and 3508 of this title, amending section 676 of Title 14, Coast Guard, and section 355 of Title 37, Pay and Allowances of the Uniformed Services, enacting provisions set out as notes under section 3507 of this title and section 1828 of Title 16, Conservation, amending provisions set out as a note under section 2720 of Title 33, Navigation and Navigable Waters, and repealing provisions set out as notes under section 70101 of this title and section 637 of Title 14] may be cited as the ‘Cruise Vessel Security and Safety Act of 2010’.”

#### SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-83, title V, §561(a), Oct. 28, 2009, 123 Stat. 2182, provided that: “This section [amending section 70103 of this title and sections 114 and 40119 of Title 49, Transportation] may be cited as the ‘American Communities’ Right to Public Information Act’.”

#### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-136, div. C, title XXXV, §3501, Nov. 24, 2003, 117 Stat. 1789, provided that: “This title [see Tables for classification] may be cited as the ‘Maritime Security Act of 2003’.”

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-295, §1(a), Nov. 25, 2002, 116 Stat. 2064, provided that: “This Act [see Tables for classification] may be cited as the ‘Maritime Transportation Security Act of 2002’.”

Pub. L. 107-295, title II, §201, Nov. 25, 2002, 116 Stat. 2093, provided that: “This title [see Tables for classification] may be cited as the ‘Maritime Policy Improvement Act of 2002’.”

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-65, div. C, title XXXVI, §3601, Oct. 5, 1999, 113 Stat. 975, provided that: “This title [see Tables for

classification] may be cited as the ‘Maritime Administration Authorization Act for Fiscal Year 2000’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. C, title II, §201, Oct. 21, 1998, 112 Stat. 2681-616, provided that: “This title [see Tables for classification] may be cited as the ‘American Fisheries Act’.”

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-324, title VI, §601, Oct. 19, 1996, 110 Stat. 3927, provided that: “This title [see Tables for classification] may be cited as the ‘Coast Guard Regulatory Reform Act of 1996’.”

Pub. L. 104-297, title III, §301, Oct. 11, 1996, 110 Stat. 3615, provided that: “This title [see Tables for classification] may be cited as the ‘Fisheries Financing Act’.”

Pub. L. 104-239, §1, Oct. 8, 1996, 110 Stat. 3118, provided that: “This Act [see Tables for classification] may be cited as the ‘Maritime Security Act of 1996’.”

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-206, title V, §501, Dec. 20, 1993, 107 Stat. 2439, provided that: “This title [see Tables for classification] may be cited as the ‘Passenger Vessel Safety Act of 1993’.”

#### SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-587, title V, §5301, Nov. 4, 1992, 106 Stat. 5081, provided that: “This subtitle [subtitle C (§§5301-5305) of title V of Pub. L. 102-587, see Tables for classification] may be cited as the ‘Abandoned Barge Act of 1992’.”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-595, title VI, §601, Nov. 16, 1990, 104 Stat. 2990, provided that: “This title [see Tables for classification] may be cited as the ‘Aleutian Trade Act of 1990’.”

#### SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-424, §1, Sept. 9, 1988, 102 Stat. 1585, provided that: “This Act [see Tables for classification] may be cited as the ‘Commercial Fishing Industry Vessel Safety Act of 1988’.”

Pub. L. 100-418, title X, §10001, Aug. 23, 1988, 102 Stat. 1570, provided that: “This subtitle [subtitle A (§§10001-10003) of title X of Pub. L. 100-418, see Tables for classification] may be cited as the ‘Foreign Shipping Practices Act of 1988’.”

Pub. L. 100-239, §1, Jan. 11, 1988, 101 Stat. 1778, provided that: “This Act [see Tables for classification] may be cited as the ‘Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987’.”

#### SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-626, §1, Nov. 7, 1986, 100 Stat. 3504, provided that: “This act [see Tables for classification] may be cited as the ‘Recreational Boating Safety Act of 1986’.”

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-498, title II, §210, Oct. 19, 1984, 98 Stat. 2303, provided that: “This subtitle [subtitle A (§§210-214) of title II of Pub. L. 98-498, see Tables for classification] may be cited as the ‘Maritime Safety Act of 1984’.”

Pub. L. 98-364, title IV, §401, July 17, 1984, 98 Stat. 445, provided that: “This title [see Tables for classification] may be cited as the ‘Commercial Fishing Industry Vessel Act’.”

#### SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-31, §1, Aug. 6, 1981, 95 Stat. 151, provided: “That this Act [see Tables for classification] may be cited as the ‘Maritime Act of 1981’.”

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-372, §1, July 31, 1976, 90 Stat. 1042, provided: “That this Act [see Tables for classification] may be

cited as the ‘Negotiated Shipbuilding Contracting Act of 1976.’”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-469, §44, Oct. 21, 1970, 84 Stat. 1039, provided that: “This Act [see Tables for classification] may be cited as the ‘Merchant Marine Act of 1970.’”

SHORT TITLE OF 1936 AMENDMENT

Act June 29, 1936, ch. 858, title IX, §906, 49 Stat. 2016, as amended by Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1710, provided that: “This Act [see Tables for classification] may be cited as the Merchant Marine Act, 1936.”

**§ 102. Barge**

In this title, the term “barge” means a non-self-propelled vessel.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102 .....	46:2101(2).	

**§ 103. Boundary Line**

In this title, the term “Boundary Line” means a line established under section 2(b) of the Act of February 19, 1895 (33 U.S.C. 151(b)).

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486; Pub. L. 114-120, title III, §306(a)(1), Feb. 8, 2016, 130 Stat. 54.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103 .....	46:2101(3).	

**Editorial Notes**

AMENDMENTS

2016—Pub. L. 114-120 substituted “(33 U.S.C. 151(b)).” for “(33 U.S.C. 151).”

**§ 104. Citizen of the United States**

In this title, the term “citizen of the United States”, when used in reference to a natural person, means an individual who is a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104 .....	46:2101(3a).	

The words “when used in reference to a natural person” are added because of provisions in the title which treat entities as citizens. The words “or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note)” are omitted because the Covenant referred to became effective November 4, 1986, making citizens of the Northern Mariana Islands citizens or non-citizen nationals of the United States.

**§ 105. Consular officer**

In this title, the term “consular officer” means an officer or employee of the United States Government designated under regulations to issue visas.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105 .....	46:2101(6).	

**§ 106. Documented vessel**

In this title, the term “documented vessel” means a vessel for which a certificate of documentation has been issued under chapter 121 of this title.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106 .....	46:2101(10).	

**§ 107. Exclusive economic zone**

In this title, the term “exclusive economic zone” means the zone established by Presidential Proclamation 5030 of March 10, 1983 (16 U.S.C. 1453 note).

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107 .....	46:2101(10a).	

**§ 108. Fisheries**

In this title, the term “fisheries” includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108 .....	46:12101(a)(1).	

**§ 109. Foreign commerce or trade**

(a) IN GENERAL.—In this title, the terms “foreign commerce” and “foreign trade” mean commerce or trade between a place in the United States and a place in a foreign country.

(b) CAPITAL CONSTRUCTION FUNDS AND CONSTRUCTION-DIFFERENTIAL SUBSIDIES.—In the context of capital construction funds under chapter 535 of this title, and in the context of construction-differential subsidies under title V of the Merchant Marine Act, 1936, the terms “foreign commerce” and “foreign trade” also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in ac-