

and attendance at the rate provided for witnesses in the district courts of the United States.

(d) An official designated to conduct an investigation under this part may issue subpoenas as provided in this section and administer oaths to witnesses.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6304 .....	46:239(e) 46:239(f)

Section 6304 provides an officer investigating a marine casualty with the necessary subpoena authority to require the attendance and testimony of witnesses and the production of evidence. It also authorizes a district court of the United States to direct compliance with a subpoena.

§ 6305. Reports of investigations

(a) The Secretary shall prescribe regulations about the form and manner of reports of investigations conducted under this part.

(b) Reports of investigations conducted under this part shall be made available to the public. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538; Pub. L. 105-383, title III, §305, Nov. 13, 1998, 112 Stat. 3420.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6305 .....	46:239(g) 46:239(k)

Section 6305 requires the Secretary to prescribe regulations about the form and manner of reports of investigations of marine casualties. It also provides that the reports shall be available to the public, except for any information they contain related to national security.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-383 substituted “. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.” for “, except to the extent that they contain information related to the national security.”

§ 6306. Penalty

A person attempting to coerce a witness, or to induce a witness, to testify falsely in connection with a marine casualty, or to induce a witness to leave the jurisdiction of the United States, shall be fined \$5,000, imprisoned for one year, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6306 .....	46:239(i)

Section 6306 provides for a \$5,000 criminal penalty for anyone attempting to coerce or to induce a witness to a marine casualty investigation to testify falsely or to leave the jurisdiction of the United States.

§ 6307. Notifications to Congress

(a) The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of any hearing, before the hearing occurs, investigating a major marine casualty involving a death under section 6301 of this title.

(b) The Secretary shall submit to a committee referred to in subsection (a) of this section information on a major marine casualty that is requested by that committee or the chairman of the committee if the submission of that information is not prohibited by a law of the United States.

(c) The Secretary shall submit annually to Congress a summary of the marine casualties reported during the prior fiscal year, together with a brief statement of action taken concerning those casualties.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 538; Pub. L. 107-295, title IV, §408(c)(1), Nov. 25, 2002, 116 Stat. 2117.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6307 .....	46:239(j) 33:366

Subsection (a) requires the Secretary to notify the Merchant Marine and Fisheries Committee and the Senate Commerce Committee in advance of any hearing concerning a major marine accident (as defined by regulation) where there has been a loss of life.

Subsection (b) requires the Coast Guard to supply the Merchant Marine and Fisheries Committee and the Senate Commerce Committee with any requested marine casualty information, if its release is not specifically prohibited by law.

Subsection (c) requires the Secretary to submit an annual report to Congress summarizing the marine casualties reported during the prior fiscal year, with a brief statement of action taken concerning those casualties.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

§ 6308. Information barred in legal proceedings

(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States.

(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6301 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.

(c) Nothing in this section prohibits the United States from calling the employee or member as an expert witness to testify on its behalf. Further, nothing in this section prohibits the employee or member from being called as a fact witness in any case in which the United States is a party. If the employee or member is called as an expert or fact witness, the applicable Federal Rules of Civil Procedure govern discovery. If the employee or member is called as a witness, the report of a marine casualty investigation conducted under section 6301 of this title shall not be admissible, as provided in subsections (a) and (b), and shall not be considered the report of an expert under the Federal Rules of Civil Procedure.

(d) The information referred to in subsections (a), (b), and (c) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions and statements.

(Added Pub. L. 104-324, title III, §313(a), Oct. 19, 1996, 110 Stat. 3921; amended Pub. L. 109-241, title IX, §902(e)(2), formerly §902(e)(2)-(4), July 11, 2006, 120 Stat. 567, renumbered §902(e)(2) and amended Pub. L. 111-281, title IX, §903(a)(5)(B)-(7), Oct. 15, 2010, 124 Stat. 3010.)

#### REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (c), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

#### AMENDMENTS

2010—Subsecs. (c), (d). Pub. L. 111-281 made technical amendment to directory language of Pub. L. 109-241, §902(e). See 2006 Amendment notes below.

2006—Subsec. (a). Pub. L. 109-241, §902(e)(2)(B), added subsec. (a) and struck out former subsec. (a) which read as follows: “Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.”

Subsec. (b). Pub. L. 109-241, §902(e)(2)(B), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-241, §902(e)(2)(A), (C), formerly §902(e)(2)(A), (3), renumbered §902(e)(2)(A), (C) and amended Pub. L. 111-281, §903(a)(5)(B), (C), (6), redesignated subsec. (b) as (c) and substituted “subsections (a) and (b)” for “subsection (a)”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 109-241, §902(e)(2)(A), (D), formerly §902(e)(2)(A), (4), renumbered §902(e)(2)(A), (D) and amended Pub. L. 111-281, §903(a)(5)-(7), redesignated subsec. (c) as (d) and substituted “subsections (a), (b), and (c)” for “subsections (a) and (b)”.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-281, title IX, §903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section

903(a)(5)(B)-(7), is effective with enactment of Pub. L. 109-241.

### PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

#### HISTORICAL AND REVISION NOTES

Part E establishes the authority for the Coast Guard to issue, suspend, and revoke licenses, certificates of registry, and merchant mariner’s documents for individuals who are to be engaged on vessels of the United States.

#### AMENDMENTS

1985—Pub. L. 99-36, §1(a)(9)(B), May 15, 1985, 99 Stat. 67, substituted “Merchant Seamen Licenses, Certificates, and” for “Licenses, Certificates, and Merchant Mariners’” in part E heading.

### CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.	
7101.	Issuing and classifying licenses and certificates of registry.
	Citizenship.
7102.	Licenses for radio officers.
7103.	Licenses for radio officers.
7104.	Certificates for medical doctors and nurses.
7105.	Oaths.
7106.	Duration of licenses.
7107.	Duration of certificates of registry.
7108.	Termination of licenses and certificates of registry.
7109.	Review of criminal records.
7110.	Exhibiting licenses.
7111.	Oral examinations for licenses.
7112.	Licenses of masters or mates as pilots.
7113.	Exemption from draft.
7114.	Fees.
7115.	Merchant Mariner Medical Advisory Committee.

#### AMENDMENTS

2010—Pub. L. 111-281, title II, §210(c), Oct. 15, 2010, 124 Stat. 2914, added item 7115.

1990—Pub. L. 101-380, title IV, §4102(e)(2), Aug. 18, 1990, 104 Stat. 510, substituted “Review of criminal records” for “Renewal of licenses” in item 7109.

1984—Pub. L. 98-364, title IV, §402(8)(A), July 17, 1984, 98 Stat. 447, substituted “Oral examinations for licenses” for “Licenses for fishing vessels not subject to inspection” in item 7111.

#### § 7101. Issuing and classifying licenses and certificates of registry

(a) Licenses and certificates of registry are established for individuals who are required to hold licenses or certificates under this subtitle.

(b) Under regulations prescribed by the Secretary, the Secretary—

(1) issues the licenses and certificates of registry; and

(2) may classify the licenses and certificates of registry as provided in subsections (c) and (f) of this section, based on—

(A) the tonnage, means of propulsion, and horsepower of machine-propelled vessels;

(B) the waters on which vessels are to be operated; or

(C) other reasonable standards.

(c) The Secretary may issue licenses in the following classes to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness:

(1) masters, mates, and engineers.