

ter shall be open to the public, except when evidence affecting the national security is to be received.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6302 .....	.....

Section 6302 provides that each investigation conducted under this chapter shall be open to the public, except when evidence affecting the national security of the United States is to be received.

§ 6303. Rights of parties in interest

In an investigation conducted under this chapter, the following shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses:

- (1) an owner,
- (2) any holder of a license or certificate of registry,
- (3) any holder of a merchant mariner's document,
- (4) any other person whose conduct is under investigation, and
- (5) any other party in interest.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 537.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
6303 .....	46:239(d)

Section 6303 provides for the rights of parties in interest to an investigation by allowing them to be represented by counsel, to cross examine witnesses, and to call witnesses. This section merely states the rights of a party in interest but does not necessarily determine who is to be considered a party in interest. Clause (4) states that these rights are to be afforded to "any other person whose conduct is under investigation" (emphasis added). This implies that clauses (1) through (3) apply to individuals whose conduct is under investigation. If any individual does not qualify for these rights under clauses (1) through (4), that individual can still be entitled to these rights under clause (5), if designated as a party in interest. Since parties in interest are not clearly set out by statute, the Secretary has the authority to do this by regulation under section 6301. Thus the rights of these parties as presently provided for in existing law have been retained.

§ 6304. Subpoena authority

(a) In an investigation under this chapter, the attendance and testimony of witnesses, including parties in interest, and the production of any evidence may be compelled by subpoena. The subpoena authority granted by this section is co-extensive with that of a district court of the United States, in civil matters, for the district in which the investigation is conducted.

(b) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

(c) A witness complying with a subpoena issued under this section may be paid for actual travel

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.