EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

PART D—MARINE CASUALTIES

CHAPTER 61—REPORTING MARINE CASUALTIES

Sec.
6101. Marine casualties and reporting.
6102. State marine casualty reporting system.
6103. Penalty.
6104. Commercial fishing industry vessel casualty statistics.

HISTORICAL AND REVISION NOTES

Chapter 61 provides for the reporting of marine casualties and incidents involving all United States flag vessels occurring anywhere in the world and any foreign flag vessel operating on waters subject to the jurisdiction of the United States.

AMENDMENTS

1988—Pub. L. 100–424, § 4(c), Sept. 9, 1988, 102 Stat. 1591, added item 6104.

§ 6101. Marine casualties and reporting

(a) The Secretary shall prescribe regulations on the marine casualties to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:

(1) death of an individual.

(2) serious injury to an individual.

(3) material loss of property.

(4) material damage affecting the seaworthiness or efficiency of the vessel.

(5) significant harm to the environment.

(b) A marine casualty shall be reported within 5 days as provided in this part and regulations prescribed under this part. Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.

[(c) Repealed. Pub. L. 98–498, title II, § 212(b)(1)(B), Oct. 19, 1984, 98 Stat. 2306.]

(d)(1) This part applies to a foreign vessel when involved in a marine casualty on the navigable waters of the United States.

(2) This part applies, to the extent consistent with generally recognized principles of international law, to a foreign vessel constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue involved in a marine casualty described under subsection (a)(4) or (5) in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

(e) A marine casualty not resulting in the death of an individual shall be classified according to the gravity of the casualty, as prescribed by regulation, giving consideration to the extent of injuries to individuals, the extent of property damage, the dangers that the casualty creates, and the size, occupation, and means of propulsion of each vessel involved.

(f)(1) This chapter applies to a marine casualty involving a United States citizen on a foreign passenger vessel operating south of 75 degrees north latitude, west of 35 degrees west longitude, and east of the International Date Line; or operating in the area south of 60 degrees south latitude that—

(A) embarks or disembarks passengers in the United States; or

(B) transports passengers traveling under any form of air and sea ticket package marketed in the United States.

(2) When there is a marine casualty described in paragraph (1) of this subsection and an investigation is conducted, the Secretary shall ensure that the investigation—

(A) is thorough and timely; and

(B) produces findings and recommendations to improve safety on passenger vessels.

(3) When there is a marine casualty described in paragraph (1) of this subsection, the Secretary may—

(A) seek a multinational investigation of the casualty under auspices of the International Maritime Organization; or

(B) conduct an investigation of the casualty under chapter 63 of this title.

(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.

(h)(1) The Secretary shall publish all major marine casualty reports prepared in accordance with this section in an electronic form, and shall provide information electronically regarding how other marine casualty reports can be obtained.

(2) For purposes of this paragraph, the term ''major marine casualty'' means a casualty involving a vessel, other than a public vessel, that results in—

(A) the loss of 6 or more lives;

(B) the loss of a mechanically propelled vessel of 100 or more gross tons;

(C) property damage initially estimated at $500,000 or more; or

(D) serious threat, as determined by the Commandant of the Coast Guard with concurrence by the Chairman of the National Transportation Safety Board, to life, property, or the environment by hazardous materials.

(i) The Secretary shall, as soon as possible, and no later than January 1, 2005, publish all marine casualty reports prepared in accordance with this section in an electronic form.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98–498, title II, § 212(b)(1), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 98–557, § 7(b)(1), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 101–380, title IV, § 4106(b), Aug. 18, 1990, 104 Stat. 513; Pub. L. 102–241, § 33, Dec. 19, 1991, 105 Stat. 2222; Pub. L. 107–295, title IV, §§ 423, 442(a), Nov. 25, 2002, 116 Stat. 2125, 2132; Pub. L. 109–241, title IX, § 901(*o*), July 11, 2006, 120 Stat. 565; Pub. L. 109–304, § 15(21), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 110–181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
6101	46:239 46:1486 33:361 33:365
6101(b)	33:362

Section 6101(a) requires the Secretary to prescribe regulations on the types and manner of reporting of marine casualties to be reported under subsection (b) and incidents to be reported under subsection (c). The casualties to be reported must include casualties involving death to an individual, serious injury to an individual, material loss of property, and any damage affecting the seaworthiness or efficiency of the vessel, in addition to the other casualties (if any) the Secretary feels should be reported.

Subsection (b) requires the owner, charterer, agent, master, operator, or individual in charge of a vessel to report within 5 days, any casualty required in subsection (a) or by regulation.

Subsection (c) requires the owner, charterer, managing operator, or agent of a U.S. vessel to immediately determine the status of their vessel if they have not heard from the vessel, if it has not passed a scheduled point, or for any other reason which may indicate the vessel may have been lost or imperiled. If the owner, charterer, managing operator, or agent cannot reach the vessel and determine that it is operating safely, then they shall immediately notify the Coast Guard and provide the Coast Guard with the name and number of the vessel, the names of individuals on board, and any other information that the Coast Guard may request. If communication with the vessel indicates the vessel was involved in a casualty, then the owner, charterer, or agent of the vessel must immediately notify the Coast Guard under subsection (b). Notification to the Coast Guard does not impose or create any additional responsibility for the Coast Guard to take search and rescue action beyond those already existing under title 14, United States Code.

Subsection (d) makes it clear that the reporting requirements under subsection (b) are applicable to foreign vessels involved in a marine casualty when operating on the navigable waters of the United States, whether in innocent passage or not.

Subsection (e) provides for the classification of marine casualties by regulation according to the gravity of the casualty, injuries to individuals, property damage, dangers created, and size, occupation, and means of propulsion of each vessel.

AMENDMENTS

2008—Subsecs. (g) to (i). Pub. L. 110–181 repealed Pub. L. 109–304, § 15(21). See 2006 Amendment notes below.

2006—Subsecs. (g) to (i). Pub. L. 109–304, § 15(21), which directed amendment identical to that made by Pub. L. 109–241, was repealed by Pub. L. 110–181. See Construction of 2006 Amendment note below.

Pub. L. 109–241 redesignated the second subsec. (g), relating to electronic publishing of marine casualty reports, and subsec. (h) as subsecs. (h) and (i), respectively.

2002—Subsecs. (e), (f). Pub. L. 107–295, § 423(1), redesignated subsec. (e), relating to passenger vessel investigations, as subsec. (f).

Subsec. (g). Pub. L. 107–295, § 442(a), added subsec. (g) relating to electronic publishing of marine casualty reports.

Pub. L. 107–295, § 423(2), added subsec. (g) relating to applicability of this part to a foreign vessel involved in a marine casualty or incident.

Subsec. (h). Pub. L. 107–295, § 442(a), added subsec. (h).

1991—Subsec. (e). Pub. L. 102–241 added subsec. (e) relating to passenger vessel investigations.

1990—Subsec. (a)(5). Pub. L. 101–380, § 4106(b)(1), added par. (5).

Subsec. (d). Pub. L. 101–380, § 4106(b)(2), designated existing provisions as par. (1) and added par. (2).

1984—Subsec. (a). Pub. L. 98–498, § 212(b)(1)(A), struck out ''and incidents'' after ''marine casualties'' in provisions preceding par. (1).

Subsec. (b). Pub. L. 98–557 inserted provisions relating to alcohol as a contributing factor to the casualty.

Subsec. (c). Pub. L. 98–498, § 212(b)(1)(B), struck out subsec. (c) which related to determination of status of a vessel that may be lost or imperiled and notification of the Coast Guard.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–295, title IV, § 442(b), Nov. 25, 2002, 116 Stat. 2132, provided that: ''The amendment made by subsection (a) [amending this section] applies to all marine casualty reports completed after the date of enactment of this Act [Nov. 25, 2002].''

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–498 effective 180 days after Oct. 1, 1984, see section 214 of Pub. L. 98–498, set out as an Effective Date note under section 2306 of this title.

CONSTRUCTION OF 2006 AMENDMENT

Provisions of Pub. L. 109–304 repealed by section 3529(c)(1) of Pub. L. 110–181 to be treated as if never enacted, see section 3529(c)(2) of Pub. L. 110–181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 6102. State marine casualty reporting system

(a) The Secretary shall prescribe regulations for a uniform State marine casualty reporting system for vessels. Regulations shall prescribe the casualties to be reported and the manner of reporting. A State shall compile and submit to the Secretary reports, information, and statistics on casualties reported to the State, including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty.

(b) The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties together with findings and recommendations the Secretary considers appropriate. If a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 536; Pub. L. 98–557, § 7(b)(2), Oct. 30, 1984, 98 Stat. 2862.)