

595

RADIO BILL

MARCH 17, 1937.—Ordered to be printed

Mr. WHITE, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 595]

The Committee on Commerce, to whom was referred the bill (S. 595) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes, having considered the same, report thereon with an amendment in the nature of a substitute and, as so amended, recommend that the bill do pass.

This bill is, in general, similar to the bill (S. 4619) which was passed by the Senate at the second session of the Seventy-fourth Congress. Since this Senate action the International Convention for the Safety of Life at Sea, 1929, has been ratified and made effective. As a result, certain minor modifications in the proposed legislation have been found necessary.

The 1929 convention applies only to vessels employed on international voyages but in practically all of the foreign nations, all of their important ships are engaged in international voyages. The United States is the only nation which has a very large and important merchant marine engaged in purely domestic shipping. The requirements of the convention were made much more stringent than they would have been had it not been for the efforts and demands of the American delegation and it may, therefore, be said that we demand a degree of safety on foreign-flag ships for the protection of our people which we have, so far, been unwilling to demand of our equally important vessels engaged in domestic shipping under the American flag. Many of the ships engaged in our domestic trade are larger and more important than many of those engaged on international voyages where the Convention applies.

The Safety Convention is not applicable to the Great Lakes because, for the purpose of the convention, that body of water is not

international. The Ship Act of 1910 controls the radio situation on ships leaving our ports on the Lakes in the same manner as on the seacoast. Due to the fact that these waters lie wholly within the territorial boundaries of the United States and Canada, and that shipping thereon is confined almost exclusively to ships of those countries, it is not believed that a drastic change in the policy affecting radio on ships, which has been in effect for over 26 years, should be undertaken without consultation with Canada. Therefore, it is proposed that the provisions of this bill shall not apply to the Great Lakes, but that the Ship Act be continued in effect thereon and that the Federal Communications Commission be directed to make a thorough study of the situation and report to the Congress on or before December 31, 1938. In this situation, it is earnestly hoped and expected that the State Department will in the near future reach an agreement with the Canadian Government for the utilization of radio to its fullest extent as a safety factor for shipping on the Great Lakes so that the ships of both countries will be placed on a basis of equality in this respect and will receive assistance from the ships of each other as on the high seas.

In this bill, therefore, an endeavor has been made to apply the requirements of the convention to our domestic shipping so far as vessels which go into the open sea are concerned and to restore some of the lost prestige which has come through our failure to keep abreast of modern developments in this important feature of safety at sea.

The basic law of the United States with respect to the installation of radio apparatus and the carrying of operators on ships sailing from our ports is found in the Ship Act, so-called, of 1910. This act underwent some modification in the Radio Act of 1912. It is affected in minor respects by the Radio Act of 1927, which later became, in all its essential provisions, a part of the Communications Act of 1934. This original 1910 act requires radio installation only upon steam vessels of the United States and foreign vessels sailing from our ports, having on board 50 or more persons, including passengers and crew. It did not apply to any other character of ship. In 1932 Congress extended the obligation to carry radio to other vessels than steam vessels leaving the Canal Zone, but it did not change the provision that such installations were required only on vessels carrying 50 or more persons. The resolution did not apply to vessels leaving ports of the United States.

There has been no substantial change since 1910 in any other requirement of our law with respect to the use of radio by ships and between ship and shore. Today there are probably 600 or more ships of the United States of substantial tonnage carrying many persons as passengers and crews, which, neither by our law nor the Convention are required to carry radio. No more pointed illustration of the danger and of the tragedy of this inadequacy of law can be found than in the fact that there was an American ship not required to be equipped with radio within 30 miles of the *Vestris* and which sailed away because it did not receive the SOS signals of that doomed vessel. We are told that that ship was so near to the *Vestris* that it might have saved all.

The *Morro Castle* and the *Mohawk* disasters moved the Senate of the United States to adopt a resolution requesting the Committee on Commerce of the Senate or a subcommittee thereof to conduct a study of the causes of these disasters, to make studies which might throw light on the question of safety of life at sea, and to make recommendations to the Congress for greater security of persons and prop-

erty at sea. The Committee on Commerce authorized its chairman to organize a Subcommittee on Department of Commerce and Merchant Marine, and this subcommittee authorized the chairman, Senator Copeland, to solicit the aid of technical experts in the work directed by this Senate resolution. A technical committee of such experts was appointed. This general technical committee gave special consideration to the problem of radio, to the part radio plays in the navigation and operation of ships, and to its contribution to safety. As a result of this study of the problem the bill, which the Commerce Committee now report, with certain modifications, was prepared and introduced by Senator Copeland.

Your committee is strongly of the view that international standards and international practice provide the soundest approach and give the largest measure of assurance of safety at sea. The members recognize, however, that if international standards are not accepted by the United States for its own ships, a large part of the advantage will be lost.

[This bill has taken from the 1929 Convention on Safety of Life at Sea the part thereof relating to radio and has sought to adapt it to our circumstances and our requirements. Your committee assert generally that we have written into the bill the standards of the world, that in some respects we have raised such standards, and we assert unqualifiedly that we have immeasurably lifted the standards of present United States law.]

The bill has many technical aspects. Its major provisions which do not involve technical considerations may be summarized as follows:

1. Under present United States law the requirement of radio equipment is based on the number of persons carried on board a vessel. This rule is rejected by this bill as it was rejected by the international convention. The bill proposes that every ship of the United States and every foreign ship leaving a port of the United States, other than a cargo ship of less than 1,600 gross tons, shall be equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators. It further requires that any passenger ship of the United States of 5,000 gross tons or over shall be equipped with an efficient radio direction-finder apparatus. It is of interest to note that the ratification of the Safety Convention resulted in requiring about 450 ships of the United States to be equipped by law with radio. The provisions of this bill and especially that relating to cargo ships will bring within the terms of the law a substantial additional number of ships not now compulsorily equipped with radio. There will be over 560 cargo ships not now required to carry radio which must be so equipped, and there will be in excess of 50 passenger ships which by statute will be required to install radio apparatus. This will make an addition of over 600 ships required to have such installations. Every one of these vessels will by the force of these provisions become a potential lifesaver. To relieve against any undue burden of this general rule, certain exemptions are allowed.

2. The bill deals in detail with the technical requirements with respect to the radio installation on board the ship. These technical requirements conform generally to those found in the International Convention on Safety of Life at Sea and to those required by the International Telecommunication Convention to which the United States is a party. It gives to the Communications Commission authority of inspection and approval of the required apparatus.

3. The bill amends the provisions of present law with respect to the suspension of operators' licenses. It seeks so far as statutes may encompass this end to assure the highest type of character and qualification in the operators on ships of the United States. It also deals with the number of operators required on ships. It raises in this respect the international standard and that of the present law of our own country. It requires every passenger ship to have at least two qualified operators. It makes the same requirement for a cargo ship, unless that cargo ship be fitted with an auto alarm which responds to the standards of the International Telecommunication Convention. Where there is such an auto alarm upon a cargo ship only one qualified operator is required. The bill further provides that each ship of the United States required to be fitted with radio installation while being navigated outside a port or harbor shall keep a continuous watch.

4. Another interesting and important requirement contained in the bill is that specifying that every motorized lifeboat which is required by treaty or statute shall be fitted with an efficient radio installation. The underlying thought of this requirement is that the motorized lifeboat with radio equipment can act as a mother ship for all other lifeboats and can in event of disaster requiring the abandonment of ship continue SOS calls, can give the position of the lifeboats and can by transmitting allow the rescuing vessels to take bearings by radio direction finders, giving the position of the lifeboats.

Other provisions of the bill are either redrafts of existing law or involve in the main noncontroversial matters.

In recommending the passage of this bill your committee cannot refrain from commenting upon the very important element of enforcement which should follow enactment of a law. The effectiveness and usefulness of this bill, when enacted, will depend in a large measure upon the frequency and thoroughness of the inspections made of ship installations and upon the vigorous investigation and prosecution of violations. Thorough detailed inspection of the installation on each ship should be made at least annually, in order to insure that the apparatus is adequately installed and maintained in satisfactory operating condition. In addition, periodic inspections should be made from time to time in order that assurance may be had that the installation upon each sailing from a port of the United States is in proper operating condition, and that the proper number of operators are in attendance. Surprise inspections at other times, if practicable, while the ship is being navigated are considered desirable.

* The committee feel that it should be the aim of the Commission to assure itself, within practicable limits, that the radio installations required by law to be installed upon ships are at all times in operating condition, manned by competent operators, and available to give the greatest assurance of protection to life and property on the high seas.

Your committee is sure that all interests believe in the desirability of legislation of this character. There have been differences as to details. These in large measure have been reconciled. Your committee present the bill to the Senate and earnestly recommend its passage.