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SENATE

{ REPORT
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RADIO BILL

MAY 12 (calendar day, MAY 20), 1936.—Ordered to be printed

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

REPORT

[To accompany S. 4619]

The Committee on Commerce, having had under consideration the bill (S. 4619) to amend the Communications Act of 1934, for the purpose of promoting safety of life and property through the use of radio, and for other purposes, having maturely considered the same, report the bill to the Senate with the recommendation that it do pass.

This bill's great purpose is to modernize our law with respect to radio installations and radio operations aboard ship to the end that safety at sea may be further assured. America has fallen far behind the principal maritime nations of the world in this regard. We here seek to bring about that leadership to which we should aspire.

In 1912 the loss of the *Titanic* shocked the world. She was a monster ship of 46,000 tons, and she carried on this, her first and last voyage, 2,200 of passengers and crew, of whom only 711 were saved. In the year following this disaster a conference was held in London for the consideration of the general question of safety at sea, and in an endeavor to work out international agreements which would raise world standards, great progress was made. The United States, however, ratified that convention with such reservations as to defeat the effect and spirit of ratification.

The World War taught many lessons with respect to the stability and floatability of ships, and great progress was made during that time and thereafter, both in radio equipment and in the navigational uses to which it was put. In 1927 there came renewed agitation for a world agreement on these subjects, and in 1929 the maritime nations again met at London to consider how the experience and enlightened desires of the world might make contribution to safety at sea. The United States participated in this conference. With a single exception its delegation represented the highest technical authority of our country. The conference labored with these problems through many

weeks, and a treaty was signed at the conclusion of the efforts, a treaty now adhered to by 34 maritime nations. The United States has deferred ratification of this treaty and our country stands alone among the great nations as unwilling to make contribution or sacrifice through agreement with other nations to the humane ends sought in this convention.

Disasters such as the sinking of the *Vestris*, the horror of the *Morro Castle*, and the loss of the *Mohawk* have kept the subject before the American people and have emphasized the fact that the laws of the United States in these respects leave us far below the standards of the major powers and even those of many lesser consequence in world affairs.

This legislation seeks to restore some of the lost prestige which has come through our failure to effectively cooperate with other nations, and through the inadequacy of our own statutory provisions. 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 of its essential provisions, a part of the Communications Act of 1934. This original 1910 act required 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 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 all of 1,200 ships of the United States of substantial tonnage carrying many persons as passengers and crews, which by our law are not 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 property 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, was prepared and introduced by Senator Copeland.

Your committee are 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 will not be accepted by the United States, there is an obligation to legislate with respect to our own ships and with respect to foreign ships within our jurisdiction so far as we may do so without imposing on the foreign ship conditions which would breach its international obligations and which would bring upon us reprisals by all the nations of the world who have set up and adhered to international standards.

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. These provisions and especially that relating to cargo ships will bring within the terms of the law a substantial number of ships not now compulsorily equipped with radio. There will be nearly 1,800 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 about 1,850 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. So far as foreign ships are concerned, the Commission may exempt such ships from any of the specific technical requirements if the foreign ship has a certificate issued by the country to which it belongs certifying that the radio installation complies with the laws of that country, and if in the opinion of our Commission this foreign ship can proceed to sea without danger to its passengers and crew and will be able to respond to distress calls from other ships or from coast stations.

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. Upon passenger ships and on cargo ships not fitted with an auto alarm where the hours out of port exceed 48, at least three qualified operators are provided. 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 lifeboat.

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 feels 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 are 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.