

A B I L L

To amend the Communications Act of 1934, as amended,
to conform to the Convention for the Safety of Life
at Sea, London (1960).

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 3 of the
Communications Act of 1934, as amended, (47 U.S.C. 153) is amended as follows:

(a) Subsection (w) is amended by adding paragraph (5) to read
as follows:

"(5) 'Nuclear ship' means a ship provided with a nuclear
power plant."

(b) Subsection (x) is amended to read as follows:

"(x) 'Radiotelegraph auto alarm' on a ship of the United States
subject to the provisions of part II of title III of this Act
means an automatic alarm receiving apparatus which responds to
the radiotelegraph alarm signal and has been approved by
the Commission. 'Radiotelegraph auto alarm' on a foreign ship
means an automatic alarm receiving apparatus which responds
to the radiotelegraph alarm signal and has been approved by
the government of the country in which the ship is registered:
Provided, That the United States and the country in which the
ship is registered are parties to the same treaty, convention,
or agreement prescribing the requirements for such apparatus.
Nothing in this Act or in any other provision of law shall be
construed to require the recognition of a radiotelegraph auto
alarm as complying with part II of title III of this Act, on a
foreign ship subject to such part, where the country in which the
ship is registered and the United States are not parties to the
same treaty, convention, or agreement prescribing the require-
ments for such apparatus."

(c) Subsection (y) is amended to read as follows:

"(y)(1) 'Operator' on a ship of the United States means, for the
purpose of parts II and III of title III of this Act, a person
holding a radio operator's license of the proper class as pre-
scribed and issued by the Commission."

"(2) 'Operator' on a foreign ship means, for the purpose of part II of title III of this Act, a person holding a certificate as such of the proper class complying with the provisions of the Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country in which the ship is registered."

(d) Subsection (z) is redesignated "(aa)" and a new subsection (z) is added as follows:

"(z)(1) 'Radio officer' on a ship of the United States means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's license as prescribed and issued by the Commission. When such person is employed to operate a radiotelegraph station aboard a ship of the United States, he is also required to be licensed as a 'radio officer' in accordance with the Act of May 12, 1948, 46 U.S.C. 229a-h.

"(2) 'Radio Officer' on a foreign ship means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's certificate complying with the provisions of the Radio Regulations annexed to the International Telecommunication Convention in force."

(e) Present subsections "(aa)" through "(dd)" are redesignated as "(bb)" through "(ee)", respectively.

(f) Present subsections "(ee)" and "(ff)" are deleted and the present subsection "(gg)" is redesignated "(ff)".

SEC. 2. (a) Section 351 of such Act, as amended, is amended by revising the heading to read as follows:

"SHIP RADIO STATIONS AND OPERATIONS"

(b) Subsection (a) of section 351 of such Act, as amended, is amended to read as follows:

"SEC. 351. (a) Except as provided in section 352 hereof it shall be unlawful -

"(1) For any ship of the United States, other than a cargo ship of less than three hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than three hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio station in operating condition, as specified by

subparagraphs (i) and (ii) of this paragraph, in charge of and operated by one or more radio officers or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio station as hereinafter provided, and, in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act.

"(i) Passenger ships irrespective of size and cargo ships of 1,600 gross tons and upwards shall be equipped with a radiotelegraph station complying with the provisions of this part;

"(ii) Cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, unless equipped with a radiotelegraph station complying with the provisions of this part, shall be equipped with a radiotelephone station complying with the provisions of this part.

"(2) For any ship of the United States of sixteen hundred gross tons and upwards to be navigated in the open sea outside of a harbor or port, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with efficient radio direction finding apparatus approved by the Commission, properly adjusted in operating condition as hereinafter provided."

SEC. 3. (a) Subsection (a) of section 352 of such Act, as amended, is amended to read as follows:

"SEC. 352 (a) * * *

"(6) A ship navigating solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States;

"(7) A ship navigating solely on the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on such waters and within such area;

"(8) A ship which is navigated during the course of a voyage both on the Great Lakes of North America and in the open sea, during the period while such ship is being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada."

(b) Subsection (b) of section 352 of such Act, as amended, is amended by changing the introductory text and paragraph (1) to read as follows:

"(b) Except for nuclear ships, the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio station unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship or class of ships which falls within any of the following descriptions:

"(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or, alternatively, do not go more than two hundred nautical miles between two consecutive ports;"

(c) Section 352 of such Act, as amended, is further amended by adding a new subsection (d) thereto to read as follows:

"(d) Except for nuclear ships, and except for ships of 5,000 gross tons and upwards which are subject to the Safety Convention, the Commission may exempt from the requirements, for radio direction finding apparatus, of this part and of the Safety Convention, any ship which falls within the descriptions set forth in paragraphs (1), (2), (3), and (4) of subsection (b) of this section, if it considers that the route or conditions of the voyage or other circumstances are such as to render such apparatus unreasonable or unnecessary."

SEC. 4. Section 353 of such Act, as amended, is amended to read as follows:

"RADIO OFFICERS, WATCHES, AUTO ALARM -
RADIOTELEGRAPH EQUIPPED SHIPS

"SEC. 353. (a) Each cargo ship which in accordance with this part is equipped with a radiotelegraph station and which is not equipped with a radiotelegraph auto alarm, and each passenger ship

required by this part to be equipped with a radiotelegraph station, shall, for safety purposes, carry at least two radio officers.

"(b) A cargo ship which in accordance with this part is equipped with a radiotelegraph station, which is equipped with a radiotelegraph auto alarm, shall, for safety purposes, carry at least one radio officer who shall have had at least six months' previous service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

"(c) Each ship of the United States which in accordance with this part is equipped with a radiotelegraph station shall, while being navigated in the open sea outside of a harbor or port, keep a continuous watch by means of radio officers whenever the station is not being used for authorized traffic: Provided, That in lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a radio officer.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which in accordance with this part is equipped with a radiotelegraph station.

"(e) On all ships of the United States equipped with a radiotelegraph auto alarm, said apparatus shall be in operation at all times while the ship is being navigated in the open sea outside of a harbor or port when the radio officer is not on watch."

SEC. 5. Section 354 of such Act, as amended, is amended to read as

follows:

"OPERATORS, WATCHES - RADIO TELEPHONE EQUIPPED SHIPS

"SEC. 354. (a) Each cargo ship which in accordance with this part is equipped with a radiotelephone station shall, for safety purposes, carry at least one operator who may be the master, an officer, or a member of the crew.

"(b) Each cargo ship of the United States which in accordance with this part is equipped with a radiotelephone station shall, while being navigated in the open sea outside of a harbor or port, maintain continuous watch whenever the station is not being used for authorized traffic."

SEC. 6. Section 355 of such Act, as amended, is amended to read as follows:

"TECHNICAL REQUIREMENTS - RADIOTELEGRAPH EQUIPPED SHIPS

"SEC. 355. The radiotelegraph station and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:

"(a) The radiotelegraph station shall include a main installation and a reserve installation, electrically separate and electrically independent of each other: Provided, That, in installations on cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, and in installations on cargo ships of 1,600 gross tons and upwards installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.

"(b) The radiotelegraph station shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals, and shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load waterline. The location of the radiotelegraph operating room or rooms shall be approved by the Commandant of the Coast Guard. The radiotelegraph installation shall be installed in such a position that it will be protected against the harmful effects of water or extremes of temperature, and shall be readily accessible both for immediate use in case of distress and for repair.

"(c) The radiotelegraph operating room shall be of sufficient size and of adequate ventilation to enable the main and reserve radiotelegraph installations to be operated efficiently, and shall not be used for any purpose which will interfere with the operation of the radiotelegraph station. The sleeping accommodation of at least one radio officer shall be situated as near as practicable to the radiotelegraph operating room. In ships the keels of which are laid on or after May 26, 1965, this sleeping accommodation shall not be within the radiotelegraph operating room.

"(d) The main and reserve installations shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.

"(e) The main and reserve installations shall, when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; i.e., they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.

"(f) Sufficient electrical energy shall be available at all times to operate the main installation over the normal range required by subsection (e) of this section as well as for the purpose of charging any batteries forming part of the radiotelegraph station.

"(g) The reserve installation shall include a source of electrical energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. The reserve source of energy and its switchboard shall be as high as practicable in the ship and readily accessible to the radio officer.

"(h) There shall be provided between the bridge of the ship and the radiotelegraph operating room, and between the bridge and the location of the radio direction finding apparatus, when such apparatus is not located on the bridge, an efficient two-way system for calling and voice communication which shall be independent of any other communication system in the ship.

"(i) The radio direction finding apparatus shall be efficient and capable of receiving signals with the minimum of receiver noise and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the radiotelegraph frequencies assigned by the Radio Regulations annexed to the International Telecommunication Convention in force for the purposes of distress, direction finding, and maritime radio beacons, and such other frequencies as the Commission may for safety purposes designate."

SEC. 7. Section 356 of such Act, as amended, is amended to read as follows:

"TECHNICAL REQUIREMENTS - RADIOTELEPHONE EQUIPPED SHIPS

"SEC. 356. Cargo ships of 300 gross tons and upwards but less than 1,600 gross tons may, in lieu of the radiotelegraph station prescribed by section 355, be equipped with a radiotelephone station complying with the following requirements:

"(a) The radiotelephone station shall be in the upper part of the ship, so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals, and, unless such station is situated on the bridge, there shall be efficient communication with the bridge.

"(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.

"(c) The radiotelephone installation shall have a minimum normal range of one hundred and fifty nautical miles, i.e., it shall be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range.

"(d) There shall be available at all times a main source of electrical energy sufficient to operate the installation over the normal range required by subsection (c) of this section. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six continuous hours under normal working conditions. In installations made on or after November 19, 1952, a reserve source of electrical energy shall be provided in the upper part of the ship unless the main source of energy is so situated."

SEC. 8. Section 357 of such Act, as amended, is amended to read as follows:

"SURVIVAL CRAFT

"SEC. 357. Every ship required to be provided with survival craft radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, 'radio equipment' shall include portable as well as nonportable apparatus."

SEC. 9. Subsection (a) of section 359 of such Act, as amended, is amended to read as follows:

"SEC. 359. (a) The master of every ship of the United States, equipped with radio transmitting apparatus, which meets with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, or encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall cause to be transmitted all pertinent information relating thereto to ships in the vicinity and to the appropriate authorities on land, in accordance with rules and regulations issued by the Commission. When they consider it necessary, such authorities of the United States shall promptly bring the information received by them to the knowledge of those concerned, including interested foreign authorities".

SEC. 10. Section 361 of such Act, as amended, is amended to read as follows:

"CERTIFICATES

"SEC. 361. (a) Each vessel of the United States to which the Safety Convention applies shall comply with the radio and communication provisions of said Convention at all times while the vessel is in use, in addition to all other requirements of law, and shall have on board an appropriate certificate as prescribed by the Safety Convention.

"(b) Appropriate certificates concerning the radio particulars provided for in said Convention shall be issued upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Cargo Ship Safety Radiotelegraphy Certificates, Cargo Ship Safety Radiotelephony Certificates, and Exemption Certificates with respect to radio particulars shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith."

EXPLANATION OF BILL TO AMEND THE COMMUNICATIONS ACT
OF 1934, AS AMENDED, TO CONFORM TO THE CONVENTION
FOR THE SAFETY OF LIFE AT SEA, LONDON (1960)

Upon the invitation of the Inter-Governmental Maritime Consultative Organization, a Conference was held in London during May and June 1960, a major purpose of which was the drafting of a Convention to replace the International Convention for the Safety of Life at Sea, signed in London in 1948. The Commission was represented at the Conference by Commissioner Robert T. Bartley, and by Curtis B. Plummer, Harold R. Woodyard and Duncan Peters of the Commission's staff.

As a result of its deliberations, the conference prepared and opened for signature and acceptance The International Convention for the Safety of Life at Sea, 1960, (SOLAS) to replace the International Convention for the Safety of Life at Sea, 1948.

Pursuant to Article XI of SOLAS, the Inter-Governmental Maritime Consultative Organization has informed all Governments which have signed or accepted the present Convention (including the United States) that it shall come into force on May 26, 1965.

Article I(b) of SOLAS requires, among other things, that the Contracting Governments undertake to promulgate all laws necessary to give the Convention full and complete effect. The Commission recommends that Congress implement the provisions of SOLAS by amending the Communications Act of 1934 as set forth in the attached proposal.

The major substantive changes recommended herein are: (1) the extension of the application of compulsory radio installation requirements to cargo ships as low as 300 gross tons (now 500 gross tons); (2) elimination of nuclear ships from the Commission's exemption authority; and (3) elimination of applicability of the compulsory radio requirements of Part II, Title III, of the Communications Act to vessels while they are navigating on the Great Lakes. An explanation of specific changes follows.

Section 1 of this proposal would amend the following subsections of section 3 of the Communications Act of 1934:

1. A definition of the term "nuclear ship" is added in subsection (w).
2. Subsection (x) is revised by substituting "radiotelegraph autoalarm" for "auto-alarm" wherever the latter term appears in this subsection. This differentiates it from the radiotelephone auto alarm and conforms the terminology of the Communications Act to that used in the SOLAS Convention. (See Regulations 2(b), 10, Chapter IV, SOLAS 1960).
3. Subsection (y) is revised editorially, and the phrase "country to which the ship belongs" is changed to read "country in which the ship is registered" in conformance with Convention usage.

4. A new subsection (z) has been added, defining the term "radio officer", in view of the adoption of that term in SOLAS 1960. (See Regulation 2(c), Chapter IV, SOLAS 1960). The present subsection (z) is redesignated "(aa)".
5. Present subsections (aa) through (dd) are redesignated "(bb)" through "(ee)", respectively, in order to conform to the new designation given the present subsection (z).
6. Present subsections (ee) and (ff) are deleted, inasmuch as the terms therein defined ("existing installation" and "new installation") have not been employed in Parts II and III of Title III of the Communications Act or in the Commission's Rules. Subsection (gg) is redesignated "(ff)".

Section 2 of this proposal amends section 351 of the Communications Act in the following respects:

1. The heading of that section is amended to read "Ship Radio Stations and Operations" to conform to SOLAS terminology.
2. Paragraph (1) of subsection (a) is amended as follows:
 - (i) The minimum gross tonnage of cargo vessels to which the compulsory radio requirements apply is lowered from 500 gross tons to 300 gross tons to conform to the Convention. (Regulations 3 and 4, Chapter IV, Regulation 12, Chapter V, SOLAS 1960).
 - (ii) The term "radio installation" is changed to "radio station" to conform to SOLAS terminology.

(iii) The term "radio officer" is used for clarification and in accordance with SOLAS terminology.

(iv) New subparagraphs "(i)" and "(ii)" are added to paragraph (1) of subsection (a). They require that all passenger ships, and all cargo ships of 1600 gross tons and upwards, be fitted with a radiotelegraph station, and permit cargo ships between 300 and 1600 gross tons the option of carrying a radiotelephone station. This clarifies existing law (sections 355 and 356 of the Communications Act), and reflects the new 300 gross ton exception provision of paragraph (1) of subsection (a).

3. Paragraph (2) of subsection (a) is clarified editorially.
4. The proviso clauses in paragraphs (1) and (2) of subsection (a) are deleted because they are no longer necessary.

Section 3 of this proposal would amend the following subsections of section 352 of the Communications Act:

1. Paragraph (6) of subsection (a) is amended by striking the words "on the Great Lakes".
2. Paragraphs (7) and (8) are added to except from the provisions of Part II, Title III, of the Act vessels navigating solely on the Great Lakes and the St. Lawrence River, and vessels which navigate both on the

Great Lakes and on the open sea while those vessels are on the Great Lakes. (Regulation 3(b), Chapter 1, and Regulation 1(b), Chapter IV, SOLAS 1960).

3. Subsection (b) is amended to except nuclear ships from the Commission's exemption authority. (Regulation 3, Chapter VIII, SOLAS 1960). Paragraph (1) thereof makes it clear that a passenger ship meeting one of the voyage patterns described in this subsection may be exempted from the requirements of Part II, Title III, of the Communications Act. (See, Western Trader, FCC 60-553).

4. A new subsection (d) is added to spell out the Commission's authority to grant exemption from radio direction finding apparatus requirements (in accordance with Regulation 12(b), Chapter V, SOLAS 1960, as regards ships subject to SOLAS). This amendment is desirable to clarify the exemption authority of the Commission.

Section 4 of this proposal would amend section 353 in the following respects:

1. The heading is changed to read: "RADIO OFFICERS, WATCHES, AUTO ALARM, RADIOTELEGRAPH EQUIPPED SHIPS."
2. Since the SOLAS 1960 rectified previous ambiguity which existed in the SOLAS 1948 concerning the terms "installation" and "station", editorial clarifications have been made throughout this section by

replacing the terms "installation", "auto alarm", and "qualified operator" with the terms "station", "radiotelegraph auto alarm", and "radio officer".

3. Subsection (c) has been amended to include the phrase "while being navigated in the open sea outside of a harbor or port" in substitution for the present phrase "while being navigated outside a harbor or port". This change makes the language of subsection (c) of section 353 consistent with the phraseology of paragraph (1) of subsection (a) of section 351.
4. Subsection (c) has also been amended to provide that the continuous watch is to be maintained whenever the station is not being used for authorized traffic.

Section 5 of this proposal amends section 354 of the Communications Act to make editorial changes in subsection (a) and to change subsection (b) to require a continuous watch whenever the station is not used for authorized traffic.

(Regulation 7, Chapter IV, SOLAS 1960).

Section 6 of this proposal would amend section 355 in the following respects:

1. The heading of section 355 is amended to read:
"TECHNICAL REQUIREMENTS - RADIOTELEGRAPH EQUIPPED SHIPS"

2. New subsections (a) through (i) replace the present subsections (a) through (h) to conform to the technical requirements for radiotelegraph stations as set out in the following regulations found in Chapter IV, SOLAS 1960.

355(a): Regulations 9(a)(i) and 9(b);
 355(b): Regulations 8(a) and 8(e);
 355(c): Regulations 8(b) and 8(c);
 355(d): Regulations 9(e) and 9(h);
 355(e): Regulation 9(g);
 355(f): Regulation 9(j);
 355(g): Regulations 9(k) and 9(o);
 355(h): Regulations 8(d) and 11(f);
 355(i): Regulations 11(a) and 11(b).

Section 7 of this proposal amends section 356 of the Communications Act to conform to the technical requirements for radiotelephone equipped ships as set out in Regulation 4, Chapter IV, SOLAS 1960, and to the following provisions of that Chapter:

356(a): Regulations 14(a) and 14(b);
 356(b): Regulations 15(b) and 15(f);
 356(c): Regulation 15(c)(i); also
 Section 356(c) is made consistent with
 Section 355(e).
 356(d): Regulation 15(i).

Section 8 of this proposal amends the heading and text of section 357 of the Communications Act by substituting "survival craft" in lieu of "lifeboat", to conform to the terminology used in Geneva 1959 and SOLAS 1960.

Section 9 of this proposal amends subsection (a) of section 359 of the Communications Act by making editorial amendments and by adding the requirement that the master of a ship of the United States equipped

with a radio transmitting apparatus which encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall make the necessary transmission as provided by that subsection.

(Regulation 2(a), Chapter V, SOLAS 1960).

Section 10 of this proposal amends section 361 of the Communications Act to change the terminology of the certificates to conform to the terminology used in the Convention.

Adopted by the Commission Dec. 9, 1964. Commissioner Lee absent.