

band, such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

(2) Congressional committees described

The congressional committees described in this paragraph are the following:

(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

(c) Covered GPS device defined

In this section, the term “covered GPS device” means a Global Positioning System device of the Department of Defense.

(June 19, 1934, ch. 652, title III, §343, as added Pub. L. 114-328, div. A, title XVI, §1698(a), Dec. 23, 2016, 130 Stat. 2641.)

PART II—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

§ 351. Ship radio stations and operations

(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 (A) and (B) 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 chapter.

(A) Passenger ships irrespective of size and cargo ships of one thousand six hundred gross tons and upward shall be equipped with a radiotelegraph station complying with the provisions of this part;

(B) Cargo ships of three hundred gross tons and upward but less than one thousand six hundred 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 one thousand six hundred gross tons and upward 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.

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

(June 19, 1934, ch. 652, title III, §351, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 192; amended Aug. 13, 1954, ch. 729, §1(a), 68 Stat. 704; Pub. L. 89-121, §2, Aug. 13, 1965, 79 Stat. 512.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-121 substituted “radio station” for “radio installation”, broadened coverage so as to extend to vessels over 300 tons rather than 500 tons, required passenger ships irrespective of size and cargo ships over 1600 tons to be equipped with a radio telegraph station and cargo ships over 300 tons, unless equipped with a radiotelegraph station, to be equipped with a radiotelephone station, and eliminated provisions which empowered the Commission to defer the application of the provisions of paragraphs (1) and (2) of this subsection for periods not beyond Jan. 1, 1955, and Nov. 19, 1954, respectively.

1954—Subsec. (a)(1). Act Aug. 13, 1954, broadened coverage so as to extend to vessels over 500 tons rather than 1,600 tons.

Subsec. (a)(2). Act Aug. 13, 1954, broadened coverage so as to extend to any United States flag vessel of 1,600 gross tons or over rather than any passenger vessel of 5,000 gross tons or over.

EFFECTIVE DATE

Section 16 of act May 20, 1937, provided that: “This Act [enacting this part, amending sections 151, 153, 154, 303, 321, 322, 329, 402, 504, and 602 of this title, and repealing sections 484 to 487 of former Title 46, Shipping] shall take effect upon approval [May 20, 1937] provided that the Commission may defer the application of all or any part of sections 351 to 355 [sections 351 to 355 of this title], inclusive, for a period not to exceed six months after approval, in regard to any ship or classes of ships of the United States which are not subject to the provisions of the safety convention, if it is found impracticable to obtain the necessary equipment or make the required installations.”

JOINT STUDIES OF NEED FOR SAFETY DEVICES ON CERTAIN CARGO SHIPS; REPORT

Act Aug. 3, 1956, ch. 913, 70 Stat. 967, authorized the Federal Communications Commission, the United States Coast Guard, and the Federal Maritime Administration, acting jointly, to make a full and complete study and investigation with respect to the need for installing automatic radiotelegraph call selectors on cargo ships of the United States carrying less than two radio operators, and other such safety devices, and the feasibility thereof, and required a report to the Congress not later than Mar. 1, 1957.

§ 352. Exemptions

(a) Vessels excepted

The provisions of this part shall not apply to—

(1) A ship of war;

(2) A ship of the United States belonging to and operated by the Government, except a ship

of the Maritime Administration of the Department of Transportation, the Inland and Coastwise Waterways Service, or the Panama Canal Company;

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention;

(4) Yachts of less than six hundred gross tons not subject to the radio provisions of the Safety Convention;

(5) Vessels in tow;

(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 Saint 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 sixty-third 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 Saint Lambert lock at Montreal in the Province of Quebec, Canada.

(b) Radio station unreasonable or unnecessary

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;

(2) Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;

(3) Passenger vessels of less than one hundred gross tons not subject to the radio provisions of the Safety Convention;

(4) Sailing ships.

(c) Unforeseeable equipment failures

If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set

forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied.

(d) Radio direction finding apparatus unreasonable or unnecessary

Except for nuclear ships, and except for ships of five thousand gross tons and upward 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.

(June 19, 1934, ch. 652, title III, §352, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 192; amended Sept. 26, 1950, ch. 1049, §2(a)(2), 64 Stat. 1038; Aug. 13, 1954, ch. 729, §1(b), (c), 68 Stat. 705; Pub. L. 89-121, §3, Aug. 13, 1965, 79 Stat. 512; Pub. L. 97-31, §12(151), Aug. 6, 1981, 95 Stat. 167.)

REFERENCES IN TEXT

Panama Canal Company, referred to in subsec. (a)(2), deemed to refer to Panama Canal Commission, see section 3602(b)(5) of Title 22, Foreign Relations and Inter-course.

AMENDMENTS

1981—Subsec. (a)(2). Pub. L. 97-31 substituted “Maritime Administration of the Department of Transportation” for “United States Maritime Commission”. For prior transfers of functions, see Transfer of Functions note set out below.

1965—Subsec. (a). Pub. L. 89-121, §3(a), added pars. (6) to (8) and struck out former par. (6) which made the provisions of this part inapplicable to a vessel navigating solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

Subsec. (b). Pub. L. 89-121, §3(b), excepted nuclear ships and substituted “or, alternatively, do not go more than two hundred nautical miles” for “or more than two hundred nautical miles”.

Subsec. (d). Pub. L. 89-121, §3(c), added subsec. (d).
1954—Subsec. (a)(3). Act Aug. 13, 1954, §1(b), substituted “any Safety Convention in force between the United States and that country” for “the Safety Convention and” and inserted at end “or which ship is not subject to the radio provisions of any such Convention”.

Subsec. (c). Act Aug. 13, 1954, §1(c), added subsec. (c).
1950—Subsec. (a)(2). Act Sept. 26, 1950, substituted “Panama Canal Company” for “Panama Railroad Company”.

EFFECTIVE DATE

Section effective May 20, 1937, unless deferred by the Commission, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of United States Maritime Commission, see Reorg. Plan No. 21 of 1950 and Reorg. Plan No. 7 of 1961, set out in the Appendix to Title 5, Government Organization and Employees.

§ 353. Radio equipment and operators**(a) Two radio officers required**

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) One radio officer required

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) Required watches

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) Hours of watch

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) Operational status of auto alarms in open sea

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.

(June 19, 1934, ch. 652, title III, §353, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 193; amended July 8, 1941, ch. 278, 55 Stat. 579; June 22, 1943, ch. 137, 57 Stat. 161; July 25, 1947, ch. 327, §2(a), 61 Stat. 451; Aug. 13, 1954, ch. 729, §1(d), 68 Stat. 705; Pub. L. 89-121, §4, Aug. 13, 1965, 79 Stat. 513.)

AMENDMENTS

1965—Pub. L. 89-121, among other changes, substituted wherever appearing "radiotelegraph station" for "radiotelegraph installation", "radiotelegraph auto alarm" for "auto-alarm", and "radio officer" and "radio officers" for "qualified operator" and "qualified operators", required a continuous watch to be kept when the radiotelegraph station is not being used for authorized traffic, and inserted "while being navigated in the open sea" in two places.

1954—Act Aug. 13, 1954, amended section to make clear that it applies only to ships equipped with a radiotelegraph installation, not those fitted with a radiotelephone installation.

1943—Subsec. (b). Act June 22, 1943, substituted "the termination of such emergency or such earlier date as Congress by concurrent resolution may designate" for "June 30, 1943".

1941—Subsec. (b). Act July 8, 1941, inserted exception respecting national emergency.

PARTIAL REPEAL EFFECTIVE JULY 1, 1948

Acts July 8, 1941, and June 22, 1943, which amended subsec. (b) of this section by adding the clause authorizing suspension or modification of the service requirement during the emergency, were repealed, effective July 1, 1948, by act July 25, 1947, which provided that such acts should remain in full force and effect until such date.

EFFECTIVE DATE

Section effective May 20, 1937, unless deferred by the Commission, see section 16 of act May 20, 1937, set out as a note under section 351 of this title.

APPROVAL OF OPERATORS BY SECRETARY OF NAVY
DURING WAR

Act Dec. 17, 1941, ch. 588, 55 Stat. 808, as amended June 28, 1943, ch. 174, 57 Stat. 244; June 13, 1945, ch. 190, 59 Stat. 259; 1946 Reorg. Plan No. 3, §101, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, prohibiting employment of radio operators who were disapproved by the Secretary of the Navy during World War II, was repealed by act July 25, 1947, ch. 327, §1, 61 Stat. 449.

§ 353a. Operators and watches on radiotelephone equipped ships

(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.

(June 19, 1934, ch. 652, title III, §354, as added Aug. 13, 1954, ch. 729, §2(b), 68 Stat. 706; amended Pub. L. 89-121, §5, Aug. 13, 1965, 79 Stat. 514.)

AMENDMENTS

1965—Pub. L. 89-121 substituted "radiotelephone station" for "radiotelephone installation" in two places, and "one operator who may be the master, an officer, or a member of the crew" for "one qualified operator who may be a member of the crew holding only a certificate for radio telephony", inserted "in the open sea" before "outside of a harbor", and required a continuous watch whenever the station is not being used for authorized traffic.

§ 354. Technical requirements of equipment on radiotelegraph equipped ships

The radiotelegraph station and the radio direction finding apparatus required by section 351 of this title 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 three hundred gross tons and upward but less than one thousand six hundred gross tons, and in installations on cargo ships of one thousand six hundred gross tons and upward installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.