

SAFETY OF LIFE AT SEA

89-9
In 8/4
89-9
7/68

Y4
. In 8/4
89-9



HEARING
BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS
AND POWER
OF THE
COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 7954

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

MAY 19, 1965

Printed for the use of the
Committee on Interstate and Foreign Commerce

Serial No. 89-9



SAFETY OF LIFE AT SEA

AY
4/8 21.
9-98

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OREN HARRIS, Arkansas, *Chairman*

- | | |
|-------------------------------------|-----------------------------------|
| HARLEY O. STAGGERS, West Virginia | WILLIAM L. SPRINGER, Illinois |
| WALTER ROGERS, Texas | J. ARTHUR YOUNGER, California |
| SAMUEL N. FRIEDEL, Maryland | SAMUEL L. DEVINE, Ohio |
| TORBERT H. MACDONALD, Massachusetts | ANCHER NELSEN, Minnesota |
| JOHN JARMAN, Oklahoma | HASTINGS KEITH, Massachusetts |
| LEO W. O'BRIEN, New York | WILLARD S. CURTIN, Pennsylvania |
| JOHN E. MOSS, California | GLENN CUNNINGHAM, Nebraska |
| JOHN D. DINGELL, Michigan | JAMES T. BROYHILL, North Carolina |
| PAUL G. ROGERS, Florida | JAMES HARVEY, Michigan |
| HORACE R. KORNEGAY, North Carolina | TIM LEE CARTER, Kentucky |
| LIONEL VAN DEERLIN, California | HOWARD H. CALLAWAY, Georgia |
| J. J. PICKLE, Texas | |
| FRED B. ROONEY, Pennsylvania | |
| JOHN M. MURPHY, New York | |
| DAVID E. SATTERFIELD III, Virginia | |
| DANIEL J. RONAN, Illinois | |
| J. OLIVA HUOT, New Hampshire | |
| JAMES A. MACKAY, Georgia | |
| JOHN J. GILLIGAN, Ohio | |
| CHARLES P. FARNSLEY, Kentucky | |
| JOHN BELL WILLIAMS, Mississippi | |

W. E. WILLIAMSON, *Clerk*

KENNETH J. PAINTER, *Assistant Clerk*

Professional Staff

ANDREW STEVENSON
KURT BORCHARDT

JAMES M. MENDER, Jr.
WILLIAM J. DIXON

SUBCOMMITTEE ON COMMUNICATIONS AND POWER

WALTER ROGERS, Texas, *Chairman*

- | | |
|------------------------------------|-----------------------------------|
| JOHN E. MOSS, California | J. ARTHUR YOUNGER, California |
| HORACE R. KORNEGAY, North Carolina | JAMES T. BROYHILL, North Carolina |
| LIONEL VAN DEERLIN, California | JAMES HARVEY, Michigan |
| FRED B. ROONEY, Pennsylvania | |
| JOHN M. MURPHY, New York | |

CONTENTS

	Page
Text of H. R. 7954.....	1
Letter from Hon. E. William Henry, Chairman, Federal Communications Commission, transmitting explanation of proposed legislation.....	6
Report of—	
Navy Department.....	9
State Department.....	9
Statement of—	
Bartley, Hon. Robert T., Commissioner, Federal Communications Commission.....	10
Henry, Everett G., Chief, Marine and Radio Division, Bureau of Safety and Special Radio Services, Federal Communications Com- mission.....	10
Phillips, Edward C., American Merchant Marine Institute.....	14

000 237 400

1873

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

SAFETY OF LIFE AT SEA

WEDNESDAY, MAY 19, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMUNICATIONS
AND POWER OF THE COMMITTEE ON INTERSTATE
AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2218, Rayburn House Office Building, Hon. Walter Rogers of Texas (chairman of the subcommittee) presiding.

Mr. ROGERS of Texas. The Subcommittee on Communications and Power will come to order for the consideration of business scheduled for this morning's hearing.

The subcommittee this morning is holding a hearing on the bill H.R. 7954, introduced by the chairman of our full committee at the request of the the Federal Communications Commission.

The legislation is designed to amend the Communications Act of 1934 to give full and complete effect to the Convention for Safety of Life at Sea. This convention was formulated in London in 1960. The objective of the convention is to strengthen international safety requirements and in so doing to take into account the lessons learned as a result of the collision between the *Andrea Doria* and the *Stockholm* which took place in 1956.

The convention was ratified by the U.S. Senate on April 12, 1962, and pursuant to its terms, the convention will come into force on May 26, 1965.

The convention requires the contracting governments, including the United States, to undertake the enactment of such laws as may be necessary to give the convention full and complete effect.

This then is the purpose of the legislation before the subcommittee.

At this point in the record there will be included copies of the bill and the Executive Communication No. 1004, which contains a letter from Chairman Henry to Speaker McCormack, and an explanation of the provisions of the draft bill.

(The information referred to follows:)

[H.R. 7954, 89th Cong., 1st sess.]

A BILL To amend the Communications Act of 1934 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:

(1) Subsection (w) is amended by adding the following new paragraph at the end thereof:

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

(2) 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 requirements for such apparatus."

(3) 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 prescribed 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 Telecommunication Convention in force, or complying with an agreement or treaty between the United States and the country in which the ship is registered."

(4)(A) Subsections (aa) through (dd) are redesignated as subsections (bb) through (ee), respectively; (B) subsections (ee) and (ff) are repealed; (C) subsection (gg) is redesignated as subsection (ff); (D) subsection (z) is redesignated as subsection (aa); and (E) the following new subsection is inserted immediately after subsection (y):

"(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."

SEC. 2. (a) The heading of section 351 of the Communications Act of 1934 is amended to read as follows: "SHIP RADIO STATIONS AND OPERATIONS".

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

"(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 Act.

"(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."

SEC. 3. (a) Subsection (a) of section 352 of the Communications Act of 1934 is amended by striking out paragraph (6) and inserting after paragraph (5) thereof the following new paragraphs:

"(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) Subsection (b) of such section 352 is amended by striking out all through paragraph (1) and inserting in lieu thereof the following:

"(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) Such section 352 is further amended by adding at the end thereof the following new subsection:

"(d) 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."

SEC. 4. Section 353 of the Communications Act of 1934 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 the 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, which 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 the Communications Act of 1934 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 the Communications Act of 1934 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 three hundred gross tons and upward but less than one thousand six hundred gross tons, and in installations on cargo ships of one thousands 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.

"(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, 1963, 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; that is, 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 in 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 the Communications Act of 1934 is amended to read as follows:

"TECHNICAL REQUIREMENTS—RADIOTELEPHONE-EQUIPPED SHIPS

"SEC. 356. Cargo ships of three hundred gross tons and upward but less than one thousand six hundred 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; that is, 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 the Communications Act of 1934 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 the Communications Act of 1934 is amended to read as follows:

"(a) The master of every ship of the United States, equipped with radio transmitting apparatus which meets with dangerous ice, a dangerous derelict, a tropic storm, or any other direct danger to navigation, or encounters sub-freezing fair 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 the Communications Act of 1934 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 radio telegraphy 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."

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 26, 1965.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Commission has adopted as part of its legislative program for the 89th Congress a proposal to amend the Communications Act to conform to the Convention for Safety of Life at Sea (SOLAS), London (1960).

Pursuant to its terms, the convention comes into force on May 26, 1965. Article I(a) thereof requires that the contracting Governments, including the United States, undertake to promulgate all laws necessary to give the convention full and complete effect.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Bureau of the Budget for its consideration. We have now been advised by that Bureau that from the standpoint of the administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

Early consideration by the House of the proposed amendments would be appreciated in view of the early date at which the convention will come into effect. The Commission would be happy to furnish any additional information that may be desired by the House or by the committee to which this proposal is referred.

Yours sincerely,

E. WILLIAM HENRY, *Chairman.*

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 "autoalarm" wherever the latter term appears in this subsection. This differentiates it from the radiotelephone autoalarm and conforms the terminology of the Communications Act to that used in the SOLAS Convention. (See regulations 2(b), 10, Ch. 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), ch. 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 Commissions' 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, ch. IV, regulation 12, ch. 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 1,600 gross tons and upward, be fitted with a radiotelegraph station, and permit cargo ships between 300 and 1,600 gross tons the option of carrying a radiotelephone station. This clarifies existing law (secs. 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), ch. 1 and regulation 1(b), ch. IV, SOLAS 1960.)
3. Subsection (b) is amended to except nuclear ships from the Commission's exemption authority. (Regulation 3, ch. 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), ch. 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, Autoalarm, 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," "autoalarm," and "qualified operator" with the terms "station," "radio-telegraph autoalarm," 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, ch. 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 subfreezing 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), ch. 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.

Mr. ROGERS of Texas. Before we recognize any of the witnesses, let the Chair further include in the record, without objection, a letter from the Department of the Navy over the signature of Capt. C. R. Kear, Jr., under date of May 18, 1965, reflecting no objection; and a letter from the Department of State, under date of May 18, 1965, over the signature of Douglas MacArthur II, Assistant Secretary for Congressional Relations, indicating no objection.

(The documents referred to follow:)

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., May 18, 1965.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: Your request for comments on H.R. 7954, a bill to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960), has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would enact into law the International Convention for Safety of Life at Sea, 1960, giving it full force and effect. Pursuant to article XI of the convention, the Inter-Governmental Maritime Consultative Organization has informed all Governments which have signed or accepted the convention (including the United States) that it shall come into force on May 26, 1965.

The Department of the Navy, on behalf of the Department of Defense, interposes no objection to the enactment of H.R. 7954.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report on H.R. 7954 for the consideration of the committee.

Sincerely yours,

C. R. KEAR, Jr.,
Captain, U.S. Navy, Deputy Chief
(For the Secretary of the Navy).

DEPARTMENT OF STATE,
Washington, May 18, 1965.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of May 10, 1965, in which you request the Department's comments on H.R. 7954, a bill to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960).

The specific provisions of the bill are highly technical and are matters within the competence of the Federal Communications Commission. The Department of State has carefully reviewed the bill with respect to its foreign policy implications and has no objection to its enactment.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

Mr. ROGERS of Texas. Our first witness this morning will be the Honorable Robert T. Bartley, Commissioner, Federal Communications Commission.

Commissioner Bartley, it is nice to have you before the subcommittee.

**STATEMENT OF HON. ROBERT T. BARTLEY, COMMISSIONER;
ACCOMPANIED BY EVERETT G. HENRY, CHIEF OF MARINE
AND RADIO DIVISION, BUREAU OF SAFETY AND SPECIAL
RADIO SERVICES, FEDERAL COMMUNICATIONS COMMISSION**

Mr. ROGERS of Texas. You may proceed, Mr. Commissioner.

Mr. BARTLEY. Mr. Chairman and members of the committee, the Commission has asked me to represent it and to testify for it on behalf of H.R. 7954, introduced by Congressman Harris. This bill, which is part of our legislative program for the 1st session of the 89th Congress, would amend the Communications Act to conform to the Convention for the Safety of Life at Sea (SOLAS), a Conference held in London in 1960.

Upon the invitation of the Inter-Governmental Maritime Consultative Organization this 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.

In addition to myself, Curtis B. Plummer, Harold R. Woodyard, and Duncan Peters of the Commission's staff participated in the Conference as part of the delegation representing the United States. I served as chairman of the U.S. delegation on chapter IV of the Convention. This is the one relating to radio.

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, to replace the International Convention for the Safety of Life at Sea, 1948.

This convention was submitted to the Senate on April 27, 1961, as Executive K of the 87th Congress with a view to receiving the advice and consent of the Senate. A hearing thereon was held before the Committee on Foreign Relations, U.S. Senate, on February 27, 1962.

Thereafter, a favorable report was submitted by that committee (Ex. Rep. No. 5, 87th Cong., 2d sess.). On April 12, 1962, the Senate gave its advice and consent to the ratification of such convention.

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.

The amendments contained in H.R. 7954 have as their objective the modernization of compulsory ship radio safety requirements. The provisions proposed to be amended, other than a few definition changes in section 3, are contained in sections 351 through 361, part II of title III of the Communications Act, which apply to vessels navigated in the open sea on both domestic and international voyages. The present provisions are designed to apply radio safety standards in each respect equal to or higher than those in the 1948 safety convention.

In respect to those provisions of the 1960 safety convention which provide for higher standards than those now contained in the Communications Act, and in the 1948 SOLAS Convention, H.R. 7954 would amend the act to raise the standards of the act to those of the new safety convention.

The principal effect of enactment of the proposed legislation would be to insure that vessels engaged on domestic voyages in the open

sea will comply with radio safety requirements no less effective than those applicable to ships engaged on international voyages.

In the process of forwarding H.R. 7954 to the Congress, the Commission has been advised by other interested Government agencies such as the Bureau of the Budget, the Coast Guard, and the Department of the Navy that they have no objection to the enactment of this bill.

Since the United States has already agreed to the provisions in the SOLAS Convention, the amendments made by H.R. 7954 are conforming in nature and, in our opinion, noncontroversial.

The major substantive changes the bill would make are: (i) to extend application of compulsory radio installation requirements of section 351 of the Communications Act to cargo ships as low as 300 gross tons. Presently cargo ships under 500 gross tons are excepted from the requirements of this section of the Communications Act; (ii) to eliminate nuclear ships from the Commission's exemption authority contained in section 352 of the Communications Act; and (iii) to eliminate the compulsory radio requirements of the Communications Act for vessels which are navigated both in the open sea and on the Great Lakes during the time that such vessels are on the Great Lakes.

SOLAS 1960 eliminated the compulsory radio requirements of the safety convention for vessels under similar circumstances. The proposed amendment to the Communications Act would effect similar relief for vessels subject to the Communications Act.

The purpose in both cases is to eliminate dual radio safety requirements since vessels on the Great Lakes are subject also to the safety radio requirements of the Great Lakes agreement between the United States and Canada.

The other amendments are generally nonsubstantive—involving changes in terminology of the act to conform to that adopted by the convention and other changes for purposes of clarification.

These changes brought about by the convention are designed to promote the safety of life and property on the high seas. We urge that H.R. 7954 be enacted so that the Communications Act may reflect them.

This concludes my prepared statement, Mr. Chairman. With the assistance of the staff accompanying me, I shall be happy to answer any questions you may have.

Mr. ROGERS of Texas. Thank you, Mr. Bartley.

Mr. Younger, do you have any questions?

Mr. YOUNGER. Thank you, Mr. Chairman.

Does this apply to the number of personnel handling radio?

Mr. BARTLEY. With respect to watch requirements? Do you have reference to watch requirements?

Mr. YOUNGER. Yes.

Mr. BARTLEY. There is no change in that, Mr. Younger.

Mr. YOUNGER. There is no change in what is now required by passenger vessels?

Mr. BARTLEY. That is correct.

Mr. YOUNGER. The only change then would be to lower those requirements to ships as low as 300 gross tons instead of stopping at 500?

Mr. BARTLEY. It would apply to ships between 300 and 500 now whereas before it did not.

Mr. YOUNGER. It does not change the requirements for freighters?

Mr. BARTLEY. This is Mr. Henry of our staff.

Mr. HENRY. The proposal would include cargo ships between 300 and 500 tons which are not now included.

Mr. YOUNGER. But there are different requirements for the freighters than for passenger ships now?

Mr. HENRY. That is right.

Mr. YOUNGER. Are those same requirements carried over into the new bill or are there any changes?

Mr. HENRY. The requirements for passenger ships will remain the same. Passenger ships are still required to carry radio in the same manner that they are under the present act. There will be no change with respect to passenger ships.

The minimum gross tonnage for cargo ships will be reduced to 300 tons.

Mr. YOUNGER. I am talking about the number. For instance, on a cargo ship, you have one radio operator who stands watch a certain number of times. On the passenger ships where they have more than 12 passengers, you have continuous watches.

You may have three radio operators.

Mr. HENRY. That remains unchanged.

Mr. YOUNGER. All of that is unchanged?

Mr. HENRY. That is right.

Mr. YOUNGER. They are not requiring any new instruments or anything?

Mr. HENRY. Only on the ships which will become subject to the act. Apart from that, no.

Mr. YOUNGER. That is all, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Broyhill.

Mr. BROYHILL. This legislation then does not affect the so-called pleasure boat or the pleasure yacht which is operating within the 3-mile limits of the coastal United States?

Mr. BARTLEY. This act does not affect that. This proposal does not affect it.

Mr. BROYHILL. Then, in effect, all this legislation is doing is extending present law to ships of less than 500 tons, is that correct?

Mr. BARTLEY. Down to 300 tons to comply with the treaty, to bring the act into conformity with the treaty.

Mr. BROYHILL. I have no other questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Harvey.

Mr. HARVEY. As I understand it, this does not affect the Great Lakes other than as you have spelled it out here in the statement?

Mr. BARTLEY. Only to the effect that it may lead to eventual revision in the Great Lakes treaty. At the present time when this treaty goes into effect there is an area between Anticosti Island west to Montreal, which may require some revision in the Great Lakes treaty at a later time, but at the present time ships that ply only the Great Lakes and only go as far east as Anticosti Island in the St. Lawrence River require an exemption from the United States if they do not carry telegraph, but this would be the only change I know of with respect to the Great Lakes treaty that might be brought about as a result of this.

Mr. HARVEY. Thank you.

I have no further questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Bartley, is No. (iii) on page 4—

to eliminate the compulsory radio requirements of the Communications Act for vessels which are navigated both in the open sea and on the Great Lakes during the time that such vessels are on the Great Lakes

a situation that is inherently dangerous while they are being operated on the Great Lakes?

Mr. BARTLEY. We think not. The safety system on the Great Lakes is a telephone system and has been for many, many years; and, consequently, there it is felt that a single system, the requirement that foreign vessels comply with that system, is a safety factor.

So that, in effect, in our opinion it improves that. Any foreign ship coming into the Great Lakes must now comply with the Great Lakes requirements.

Mr. ROGERS of Texas. That was the next question. There is a different requirement on the Great Lakes than there is on the open sea as far as the situation is concerned?

Mr. BARTLEY. Yes, sir.

Mr. ROGERS of Texas. Then, as I recall and as just pointed out, actually it is a safer system on the Great Lakes than it would be in the open sea?

Mr. BARTLEY. Well, at least they have a common system and our view is that it is safer; yes, sir.

Mr. ROGERS of Texas. Then the foreign ships have to meet this requirement for telephone communications on the Great Lakes if they use the Great Lakes?

Mr. BARTLEY. That is correct.

Mr. ROGERS of Texas. Do I recall correctly that there is quite a bit of agitation about this because of the language situation?

Mr. BARTLEY. Well, whether the word is agitation or confusion, actually the language barrier question has been one that has been with us for a long time and is always raised in conjunction with safety regulations by radio; but, among those plying the Great Lakes, we have not had any instances of a language barrier problem.

Mr. ROGERS of Texas. There has been no difference in them being able to communicate as far as you know?

Mr. BARTLEY. As far as I know, there has never been due to the language barrier; no.

Mr. ROGERS of Texas. Thank you, Mr. Bartley.

Mr. BARTLEY. Mr. Chairman, I might volunteer something else. I just found out this morning that AMMI has a slight problem with one of the provisions of the changes which we made which we considered nothing more than editorial.

It relates to 355(i), the new 355(i) which contains some of the language which had been in the previous 355(h). We had no intention to change this situation, but it has been pointed out that, under the proposal, it might be possible for the Commission to impose requirements on existing equipments. It was not our intention to do that and, in the event that after the committee considers their comments they feel that they would like to have the language change, I have some proposed language which I believe would meet their objection.

I will read it into the record at this point. This goes to the last sentence of the proposed section.

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, in installations made after May 26, 1965, such other frequencies as the Commission may for safety purposes designate.

I just leave it with the committee for their judgment.

Mr. ROGERS of Texas. You just inserted some language there on line 23, is that correct?

Mr. BARTLEY. That is correct, taken from old section 355(h), and there was no intention on the part of the Commission to change that situation, no intention to impose anything on the old equipments, but the gap is there.

We thought we cleared up the language but, if they have a problem with it, we have no objection to the insertion of it.

Mr. ROGERS of Texas. We will prepare whatever amendment is necessary for presentation.

Did you have any questions, Mr. Moss?

Mr. MOSS. I have no questions.

Mr. ROGERS of Texas. Thank you, Mr. Commissioner.

Mr. BARTLEY. Thank you, sir.

Mr. ROGERS of Texas. Our next witness is Mr. Edward C. Phillips, representing the American Merchant Marine Institute.

STATEMENT OF EDWARD C. PHILLIPS, AMERICAN MERCHANT MARINE INSTITUTE

Mr. PHILLIPS. My name is Edward C. Phillips. I am employed at the Washington office of the American Merchant Marine Institute. My activities are related in general to liaison with Government executive agencies.

The American Merchant Marine Institute is an organization representing a major portion of the privately owned oceangoing shipping of all categories operating under the American flag.

H.R. 7954 is a bill which would translate into national legislation those provisions applicable to U.S.-flag shipping with respect to radio which were developed at the International Conference on Safety of Life at Sea held in London, 1960.

The institute was represented at the 1960 SOLAS Conference. We participated in the development of the provisions contained in that convention. With respect to those matters dealing with radio as covered in this legislation we are prepared to endorse the bill.

It is our understanding that the Federal Communications Commission in drafting this legislation has sought to amend the Communications Act of 1934 solely to conform its provisions to the new convention. No substantive changes were intended other than to extend those provisions which, under the convention, are applicable on y to ships on international voyage to any ships leaving a U.S. port thefor open sea.

This is a philosophy of communications law which has long been in existence in the United States. This philosophy that all ships in the open sea should operate under the same radio standards as those on international voyage was a position which the U.S. delegation took to and argued for at the safety conference.

Although this concept was not adopted at the conference we do not protest the continued application of these international provisions to all American shipping which enters the open sea, even though not on international voyage.

With respect to the bill itself we have come upon one discrepancy which appears to be beyond the intended scope of the bill. The matter involves an omission from language which is presently contained in the Communications Act which, in the rewriting of a section of this bill, introduces a substantive change in law.

We refer specifically to a sentence dealing with the radio direction finding apparatus which commences at line 18 on page 12 of the bill. This sentence reads—

It [the direction finding apparatus] shall be capable of receiving signals on the radiotelegraph frequencies assigned by the radio regulations annexed to the International Telecommunications 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.

This last phrase in the provision—

* * * and such other frequencies as the Commission may for safety purposes designate

is a requirement which is not contained in the 1960 Safety Convention, but is presently contained in the Communications Act. We have no quarrel with continuing this language, but the requirement as presently worded in the Communications Act relates only to new direction finder installations and not existing installations.

The effect of this provision is that the Commission may, at any time, specify special frequencies which the ship's direction finding equipment must be capable of receiving. Depending upon what frequencies might be specified this could obsolete all existing equipments.

The omission of this phrase from the present bill results, therefore, in a removal of the existing protection granted to direction finding equipments presently installed on U.S. ships as a result of previous law. This is a substantive change.

Consequently, we ask that the bill be amended to make this provision apply only to new direction finding installations made after the effective date of this act. This can be readily accomplished by inserting at line 23, after the word "and" the phrase "in new installations after the effective date of this act."

We urge your adoption of this amendment.

In closing, we would say that our members have had very short notice to consider this bill. We have come across the one discrepancy discussed. Thus, it is just possible that someone, in the next day or so, may come up with something else. For this reason we would appreciate the privilege of submitting a letter for the record if any additional problems are discovered within the next few days.

Thank you.

Mr. ROGERS of Texas. Mr. Phillips, the proposed language on line 23 to which you refer is the same language Mr. Bartley referred to, is it not?

Mr. PHILLIPS. It is the same part of the bill that he referred to, Mr. Chairman. My language did not specify a date other than to say "The effective date of this act." Commissioner Bartley's proposal was that we insert a specific date. I believe it was May 26, 1965, which is perfectly satisfactory to us.

Mr. ROGERS of Texas. Without objection, you may submit supplemental testimony on the matter if you find anything further that you think ought to be called to the Commission's attention.

Mr. PHILLIPS. Thank you, sir.

Mr. ROGERS of Texas. Mr. Moss, do you have any questions?

Mr. MOSS. No questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Younger?

Mr. YOUNGER. No questions.

Mr. ROGERS of Texas. Mr. Van Deerlin.

Mr. VAN DEERLIN. No, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Broyhill.

Mr. BROYHILL. No questions, Mr. Chairman.

Mr. ROGERS of Texas. Mr. Harvey.

Mr. HARVEY. No questions, Mr. Chairman.

Mr. ROGERS of Texas. You got off easy, Mr. Phillips. Thank you very much for your very fine statement.

Are there any further witnesses to appear on this measure? If not, the Chair would ask unanimous consent to suspend the rules and go into the writeup of the bill.

(Whereupon, at 10:30 a.m., the subcommittee proceeded to further business.)

○

