TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PART III—RADIO INSTALLATIONS ON VESSELS CARRYING PASSENGERS FOR HIRE

§ 381. Vessels transporting more than six passengers for hire required to be equipped with radiotelephone

Except as provided in section 382 of this title, it shall be unlawful for any vessel of the United States, transporting more than six passengers for hire, to be navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such vessel is equipped with an efficient radiotelephone installation in operating condition.

(June 19, 1934, ch. 652, title III, § 381, as added Aug. 6, 1956, ch. 973, § 1, 70 Stat. 1047; amended Pub. L. 103–414, title III, § 303(a)(20)(A), Oct. 25, 1994, 108 Stat. 4295.)

AMENDMENTS

1994—Pub. L. 103–414 inserted section catchline.

EFFECTIVE DATE

Section 4 of act Aug. 6, 1956, provided that: ''The amendments made herein [enacting this part and amending sections 153 and 504 of this title] shall take effect March 1, 1957.''

§ 382. Vessels excepted from radiotelephone requirement

The provisions of this part shall not apply to—

(1) vessels which are equipped with a radio installation in accordance with the provisions of part II of this subchapter, or in accordance with the radio requirements of the Safety Convention; and

(2) vessels of the United States belonging to and operated by the Government, and

(3) vessels navigating on the Great Lakes.

(June 19, 1934, ch. 652, title III, § 382, as added Aug. 6, 1956, ch. 973, § 1, 70 Stat. 1048; amended Pub. L. 103–414, title III, § 303(a)(20)(B), Oct. 25, 1994, 108 Stat. 4295; Pub. L. 104–104, title IV, § 403(h)(2), Feb. 8, 1996, 110 Stat. 131.)

REFERENCES IN TEXT

Part II of this subchapter, referred to in par. (1), is classified to section 351 et seq. of this title.

AMENDMENTS

1996—Par. (2). Pub. L. 104–104 struck out ''except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,'' after ''the Government,''.

1994—Pub. L. 103–414 inserted section catchline.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.

§ 383. Exemptions by Commission

The Commission shall exempt from the provisions of this part any vessel, or class of vessels, in the case of which the route or conditions of the voyage, or other conditions or circumstances, are such as to render a radio installation unreasonable, unnecessary, or ineffective, for the purposes of this chapter.

(June 19, 1934, ch. 652, title III, § 383, as added Aug. 6, 1956, ch. 973, § 1, 70 Stat. 1048; amended Pub. L. 103–414, title III, § 303(a)(20)(C), Oct. 25, 1994, 108 Stat. 4295.)

AMENDMENTS

1994—Pub. L. 103–414 inserted section catchline.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.

§ 384. Authority of Commission; operations, installations, and additional equipment

The Commission shall have authority with respect to any vessel subject to this part—

(1) to specify operating and technical conditions and characteristics including frequencies, emissions, power, communication capability and range, of installations required by reason of this part;

(2) to approve the details as to the location and manner of installation of the equipment required by this part; or of equipment necessitated by reason of the purposes and requirements of this part;

(3) to approve installations, apparatus and spare parts necessary to comply with the purposes and requirements of this part;

(4) to prescribe such additional equipment as may be determined to be necessary to supplement that specified herein for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

(June 19, 1934, ch. 652, title III, § 384, as added Aug. 6, 1956, ch. 973, § 1, 70 Stat. 1048; amended Pub. L. 103–414, title III, § 303(a)(20)(D), Oct. 25, 1994, 108 Stat. 4295.)

AMENDMENTS

1994—Pub. L. 103–414 inserted section catchline.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.

§ 385. Inspections

The Commission or an entity designated by the Commission shall make such inspections as may be necessary to insure compliance with the requirements of this part. In accordance with such other provisions of law as apply to Government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting an inspection or certification.

(June 19, 1934, ch. 652, title III, §385, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1048; amended Pub. L. 103–414, title III, §303(a)(20)(E), Oct. 25, 1994, 108 Stat. 4295; Pub. L. 104–104, title IV, §403(*o*), Feb. 8, 1996, 110 Stat. 132.)

AMENDMENTS

1996—Pub. L. 104–104 inserted ''or an entity designated by the Commission'' after ''The Commission'' and inserted at end ''In accordance with such other provisions of law as apply to Government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting an inspection or certification.''

1994—Pub. L. 103–414 inserted section catchline.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.

§386. Forfeitures

The following forfeitures shall apply to this part in addition to penalties and forfeitures provided by subchapter V of this chapter:

(a) Any vessel of the United States that is navigated in violation of the provisions of this part or of the rules and regulations of the Commission made in pursuance thereof shall forfeit to the United States the sum of $5,000 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of this part or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of $1,000.

(June 19, 1934, ch. 652, title III, §386, as added Aug. 6, 1956, ch. 973, §1, 70 Stat. 1048; amended Pub. L. 101–239, title III, §3002(h), Dec. 19, 1989, 103 Stat. 2131; Pub. L. 103–414, title III, §303(a)(20)(F), Oct. 25, 1994, 108 Stat. 4295.)

AMENDMENTS

1994—Pub. L. 103–414 inserted section catchline.

1989—Subsec. (a). Pub. L. 101–239, §3002(h)(1), substituted ''$5,000'' for ''$500''.

Subsec. (b). Pub. L. 101–239, §3002(h)(2), substituted ''$1,000'' for ''$100''.

EFFECTIVE DATE

Section effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as a note under section 381 of this title.

PART IV—ASSISTANCE FOR PLANNING AND CONSTRUCTION OF PUBLIC TELECOMMUNICATIONS FACILITIES; TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION FOR PUBLIC BROADCASTING; GENERAL PROVISIONS

SUBPART A—ASSISTANCE FOR PLANNING AND CONSTRUCTION OF PUBLIC TELECOMMUNICATIONS FACILITIES

§390. Declaration of purpose

The purpose of this subpart is to assist, through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

(June 19, 1934, ch. 652, title III, §390, as added Pub. L. 87–447, May 1, 1962, 76 Stat. 64; amended Pub. L. 90–129, title I, §103(a), title II, §201(2), Nov. 7, 1967, 81 Stat. 365, 367; Pub. L. 94–309, §2(c), June 5, 1976, 90 Stat. 683; Pub. L. 95–567, title I, §101, Nov. 2, 1978, 92 Stat. 2405.)

AMENDMENTS

1978—Pub. L. 95–567 expanded scope of section to authorize construction financing for telecommunications facilities other than television and radio broadcasting, and assistance in the planning, as well as the construction, of such facilities, and substituted provisions relating to the objectives of this subpart for former provision relating to the demonstration of the use of telecommunication technologies for the distribution of information.

1976—Pub. L. 94–309 designated existing phrase relating to assistance in the construction of noncommercial educational broadcasting facilities as cl. (1) and added cl. (2).

1967—Pub. L. 90–129 inserted ''noncommercial'' and ''or radio'' and substituted ''subpart'' for ''part'', respectively.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 403 of Pub. L. 95–567 provided that: ''The provisions of this Act [enacting section 395 of this title, amending this section and sections 391, 392, 393, 394, and 396 to 398 of this title, repealing sections 392a and 395 of this title, and enacting provisions set out as notes under this section, sections 392 and 396 of this title, and section 5316 of Title 5, Government Organization and Employees], and the amendments made by this Act, shall take effect on the date of the enactment of this Act [Nov. 2, 1978].''

GRANTS

Pub. L. 100–584, §3, Nov. 3, 1988, 102 Stat. 2970, provided that: ''The Administrator [of the National Telecommunications and Information Administration] shall enter into discussions with the Federal Communications Commission for the purposes of determining the feasibility of awarding public telecommunications facilities program grants for low-power television stations and television translator stations on a conditional basis pending the award by the Commission of licenses for such stations. The Administrator shall also work with the Commission to establish a schedule for the expedited and coordinated consideration, on a regular basis, of future grant requests and license applications for low-power television stations and television translator stations. The Administrator shall, within ninety days after the date of enactment of this Act [Nov. 3, 1988], report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the progress made in carrying out the requirements of this section.''

STUDY OF EDUCATIONAL AND INSTRUCTIONAL BROADCASTING

Pub. L. 90–129, title III, §§301–303, Nov. 7, 1967, 81 Stat. 373, authorized the Secretary of Health, Education, and