

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by adding the clause authorizing suspension or modification of the service requirement during the emergency, were repealed, effective July 1, 1948, by act July 25, 1947, which provided that such acts should remain in full force and effect until such date.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.

(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; 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 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.

(June 19, 1934, ch. 652, title III, § 355, formerly § 354, as added May 20, 1937, ch. 229, § 10(b), 50 Stat. 193; amended 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; renumbered § 355 and amended Aug. 13, 1954, ch. 729, § 2(a)(1), (c), 68 Stat. 706; Pub. L. 89-121, § 6, Aug. 13, 1965, 79 Stat. 514.)

AMENDMENTS

1965—Pub. L. 89-121 substituted “radiotelegraph station” for “radio installation” in opening provisions.

Subsec. (a). Pub. L. 89-121, among other changes, substituted “radiotelegraph station” for “radio installation”, required the main installation and the reserve installation to be electrically separate and independent of each other, and included cargo ships between 300 and 500 tons within the ships that may omit the reserve transmitter if the main transmitter complies with all the requirements for the reserve transmitter.

Subsec. (b). Pub. L. 89-121 required the radiotelegraph station to be so located that no harmful interference will be caused to the proper reception of radio signals, and to be installed in such a position that it will be protected against the harmful effects of water or extremes of temperature, and will be readily accessible both for immediate use in case of distress and for repair.

Subsec. (c). Pub. L. 89-121 added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d). Pub. L. 89-121 redesignated former subsec. (c) as (d), and substituted “main and reserve installations shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated” for “main and emergency or reserve installations shall be capable of transmitting and receiving on the frequencies and types of waves designated”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 89-121 redesignated former subsec. (d) as (e), and inserted provisions requiring the reserve installation to have a minimum normal range of 100 nautical miles. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 89-121 redesignated former subsec. (e) as (f), and substituted “electrical energy” for “power” and “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” for “operate the main radio installation efficiently under normal conditions over the range specified in subsection (d) of this section”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 89-121 redesignated former subsec. (f) as (g), directed that the reserve source of energy and its switchboard shall be as high as practicable in the ship and readily accessible to the radio officer, and eliminated provisions which stated that for the emergency or reserve installation the normal range shall be at least 100 nautical miles. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 89-121 redesignated former subsec. (g) as (h), and substituted provisions requiring the method of communication between the bridge and the radiotelegraph room and the location of the radio direction finding apparatus to be an efficient two-way system for calling and voice communication for provisions which required an efficient means of communication. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 89-121 redesignated former subsec. (h) as (i), and substituted provisions requiring the apparatus to be capable of receiving signals with the minimum of receiver noise for provisions which required the apparatus to be capable of receiving clearly perceptible signals.

1954—Act Aug. 13, 1954, § 2(a)(1), amended credit to section by changing section number from “354” to “355” of act June 19, 1934.

Subsec. (a). Act Aug. 13, 1954, § 2(c), provided for a “reserve radiotelegraph installation” instead of merely a “reserve installation”.

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 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.

Coast Guard transferred to Department of Transportation, and functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of all other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with cer-

tain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14.

“Commandant of the Coast Guard” substituted in subsec. (b) for “Bureau of Marine Inspection and Navigation, Department of Commerce” on authority of Reorg. Plan No. 3 of 1946, §§101-104, set out in the Appendix to Title 5.

§ 354a. Technical requirements of equipment on radiotelephone equipped ships

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 354 of this title, 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.

(June 19, 1934, ch. 652, title III, §356, as added Aug. 13, 1954, ch. 729, §2(d), 68 Stat. 706; amended Pub. L. 89-121, §7, Aug. 13, 1965, 79 Stat. 515.)

AMENDMENTS

1965—Pub. L. 89-121 limited the opening provisions to cargo ships of 300 gross tons and upwards.

Subsec. (a). Pub. L. 89-121 required the radiotelephone station to be so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals.

Subsec. (b). Pub. L. 89-121 substituted “on the frequencies, and using the classes of emission, designated” for “on the frequencies and with types of emissions designated”.

Subsec. (c). Pub. L. 89-121 substituted “radiotelephone installation” for “transmitter” and inserted provisions requiring the installation to be capable of receiving clearly perceptible signals over the minimum normal range.

Subsec. (d). Pub. L. 89-121 substituted “a main source of electrical energy” for “a source of energy”, “at least six continuous hours” for “at least six hours continuously”, and “installations made on or after November 19, 1952, a reserve source of electrical energy” for “in installations an emergency source of energy”.

§ 355. Survival craft

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.

(June 19, 1934, ch. 652, title III, §357, formerly §355, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 194; renumbered §357 and amended Aug. 13, 1954, ch. 729, §2(a)(1), (e), 68 Stat. 706, 707; Pub. L. 89-121, §8, Aug. 13, 1965, 79 Stat. 516.)

AMENDMENTS

1965—Pub. L. 89-121 substituted “survival craft” for “lifeboat”.

1954—Act Aug. 13, 1954, §2(a)(1), amended credit to section by changing section number from “355” to “357” of act June 19, 1934.

Act Aug. 13, 1954, §2(e), provided that lifeboats be equipped with “radio equipment” rather than a “radio installation” and defined “radio equipment” as including portable as well as nonportable apparatus.

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.

§ 356. Approval of installations by Commission

Insofar as is necessary to carry out the purposes and requirements of this part, the Commission shall have authority, for any ship subject to this part—

(1) To approve the details as to the location and manner of installations of the equipment required by this part or of equipment necessitated by reason of the purposes and requirements of this part.

(2) To approve installations, apparatus, and spare parts necessary to comply with the purposes and requirements of this part.

(3) To prescribe such additional equipment as may be determined to be necessary to supplement that specified in this part, 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, §358, formerly §356, as added May 20, 1937, ch. 229, §10(b), 50 Stat. 194; renumbered §358, Aug. 13, 1954, ch. 729, §2(a)(1), 68 Stat. 706; amended Pub. L. 103-414, title III, §303(a)(19), Oct. 25, 1994, 108 Stat. 4295.)

REFERENCES IN TEXT

This part, referred to in text, commences with section 351 of this title.

AMENDMENTS

1994—Pub. L. 103-414 struck out “(a)” before “Insofar as”.