

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”.

## EFFECTIVE DATE

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

**§ 357. Safety information****(a) Transmission of information concerning safety at sea**

The master of every ship of the United States, equipped with radio transmitting apparatus, which meets with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, or encounters 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 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.

**(b) Charges for transmission of safety information**

No charge shall be made by any ship or station in the mobile service of the United States for the transmission, receipt, or relay of the information designated in subsection (a) of this section originating on a ship of the United States or of a foreign country.

**(c) Reimbursement by Commission**

The transmission by any ship of the United States, made in compliance with subsection (a) of this section, to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

**(d) Charges for transmission of distress messages**

No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

**(e) Free services**

Notwithstanding any other provision of law, any station or carrier may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea. All free service permitted by this subsection shall be subject to such rules and regulations as the Commission may prescribe, which rules may limit such free service to the extent which the Commission finds desirable in the public interest.

(June 19, 1934, ch. 652, title III, § 359, formerly § 357, as added May 20, 1937, ch. 229, § 10(b), 50

Stat. 195; renumbered § 359, Aug. 13, 1954, ch. 729, § 2(a)(1), 68 Stat. 706; amended Pub. L. 89-121, § 9, Aug. 13, 1965, 79 Stat. 516.)

## AMENDMENTS

1965—Subsec. (a). Pub. L. 89-121 directed the master of every ship of the United States equipped with 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 to transmit the pertinent information relating thereto.

## EFFECTIVE DATE

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

**§ 358. Master's control over operations**

The radio installation, the operators, the regulation of their watches, the transmission and receipt of messages, and the radio service of the ship except as they may be regulated by law or international agreement, or by rules and regulations made in pursuance thereof, shall in the case of a ship of the United States be under the supreme control of the master.

(June 19, 1934, ch. 652, title III, § 360, formerly § 358, as added May 20, 1937, ch. 229, § 10(b), 50 Stat. 195; renumbered § 360, ch. 729, § 2(a)(1), Aug. 13, 1954, 68 Stat. 706.)

## EFFECTIVE DATE

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

**§ 359. Certificates of compliance; issuance, modification, and cancellation**

(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 chapter, 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