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APPROVED

OCT 08 1976

Statement issued

THE WHITE HOUSE

WASHINGTON

October 4, 1976

ACTION

Last Day: October 9

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *Jim Cannon*

SUBJECT:

H.R. 15552 - Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons

*Posted
10/10/76*

*archives
10/12/76*

Attached for your consideration is H.R. 15552, sponsored by Representative Rodino and four others.

The enrolled bill is virtually identical to an Administration proposal to implement two international conventions to prevent and punish criminal acts against foreign officials, the diplomatic community, officers and employees of recognized international organizations, and their families. Although the Senate has given its advice and consent to the ratification of both Conventions, it is the policy of the Department of State not to deposit an instrument of ratification for any treaty or convention unless it is assured that Federal law will permit the United States to discharge its treaty obligations. Accordingly, this legislation would permit the U.S. to formally complete its ratification of both conventions.

The enrolled bill would conform current statutes in the Federal Criminal code which proscribe crimes against foreign officials and their families to the provisions of these conventions.

A detailed explanation of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

Also attached is a proposed signing statement which was prepared by the Department of State. State recommends that you sign the two instruments of ratification for the Conventions at the time you approve the enrolled bill.



OMB, Max Friedersdorf, Counsel's Office (Roth) and I recommend approval of the enrolled bill and the proposed signing statement which has been cleared by Doug Smith.

RECOMMENDATION

That you sign H.R. 15552 at Tab B.

That you approve the signing statement at Tab C.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 15552 - Act for the Prevention
and Punishment of Crimes Against Internationally
Protected Persons

Sponsor - Rep. Rodino (D) New Jersey and 4 others
Last Day for Action

October 9, 1976 - Saturday

Purpose

To implement two international conventions to prevent and punish criminal acts against foreign officials, the diplomatic community, officers and employees of recognized international organizations, and their families.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Statement attached)
Department of the Treasury	Approval
Department of Defense	Approval

Discussion

H.R. 15552, which is virtually identical to an Administration proposal, was developed pursuant to the signatory responsibility of the United States under two international Conventions concerning crimes of violence committed against members of the diplomatic community: (1) the OAS "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance;" and (2) the UN "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents." The Senate has given its advice and consent to the ratification of both Conventions--the OAS Convention on June 12, 1972, and the UN Convention on October 28, 1975. However, it is

the policy of the Department of State not to deposit an instrument of ratification for any treaty or convention unless it is assured that Federal law will permit the United States to fully discharge its treaty obligations. Accordingly, this legislation would permit the United States to formally complete its ratification of both Conventions.

Under the OAS and UN Conventions, signatory countries are required either to extradite or to prosecute offenders against internationally protected persons whether or not the crimes occur within the territorial jurisdiction of a party State. Each Convention requires that signatory countries provide for the punishment of murder and kidnapping of, as well as assault upon, internationally protected persons. In addition, the UN Convention condemns attacks upon the premises or means of transportation of such persons, and condemns threats and attempts as well. The OAS Convention also condemns extortion in connection with murder, kidnapping, and assault.

Summary of H.R. 15552

The enrolled bill would conform current statutes in the Federal criminal code which proscribe crimes against foreign officials and their families to the provisions of these Conventions. To make the necessary changes in current statute, H.R. 15552 would:

--Include "internationally protected persons" who are the representatives, officers, employees or agents of "public international organizations," as defined in the International Organizations Immunities Act, within the scope of statutes dealing with the killing, kidnapping, and assault of foreign officials or official guests, as well as their families. ("Public international organizations" are those in which the United States participates pursuant to any treaty or Act of Congress and which have been designated by Executive Order as being entitled to enjoy certain diplomatic privileges, exemptions, and immunities.) This would exclude certain officials of such international organizations as the Organization of Petroleum Exporting Countries (OPEC) and other international organizations in which the United States does not participate.

--Establish new felony offenses of attempted murder, manslaughter, and kidnapping of members of the international community. Current statute does not specifically enumerate these crimes of "attempt."

--Broaden the current prohibition against assaults and other violent attacks upon a foreign official to include violent attacks on foreign missions, and the private residences and means of transportation of foreign officials and internationally protected persons.

--Expand current statute, which proscribes willful intimidation, coercion, threatening or harassment, to also make the attempt of such offenses a crime against foreign officials and other internationally protected persons. Such conduct becomes an offense if committed within one hundred feet of the premises used for official purposes or the residences of foreign officials and other internationally protected persons which are located in the United States but outside the District of Columbia. (Current D.C. statute prohibits similar actions within five hundred feet of a foreign mission's property.) These are misdemeanor offenses, as under current law.

--Establish as a misdemeanor offense the trespassing upon the property of a foreign government or international organization with intent to intimidate, coerce, threaten or harass.

--Establish new felony offenses of threatening to kill, kidnap or assault, or making extortionate demands upon, foreign officials, official guests and internationally protected persons.

--Assert the extraterritorial jurisdiction of the U.S. in any such felony offense when the alleged offender is present in the U.S., aboard a U.S.-owned vessel, or within U.S. controlled territory, regardless of the place where the offense was committed or the nationality of the victim or alleged offender. In this connection, the Department of Justice advises, in its attached views letter, that technical errors remain uncorrected as a result of Congress' haste in passing the enrolled bill, although corrections were made in the Senate version of the bill. Specifically, the provisions establishing extraterritorial jurisdiction fail to reference "extortion" and "attempted kidnapping" as being within their purview. However, Justice believes the legislative history will permit the full exercise of this jurisdiction.

--Authorize the Attorney General to request assistance from other Federal, State, or local agencies, as well as the Departments of Army, Navy (including the Marine Corps), and Air Force in the event of either conspiracy against or

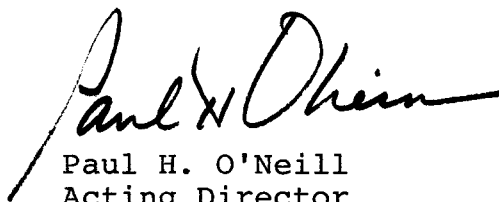
overt attacks upon the facilities of foreign governments or international organizations, as well as upon internationally protected persons.

--Expressly provide that (1) the Act is not intended to preempt State law and (2) local officials have the right and obligation to arrest for Federal as well as local crimes.

Conclusion

H.R. 15552 is almost identical to the Administration's proposal as submitted jointly by the Attorney General and Secretary of State. Accordingly, we recommend that you approve H.R. 15552.

Attached is a signing statement prepared by the Department of State. That Department recommends that you sign the two instruments of ratification for the Conventions at the time you approve the enrolled bill. We concur.



Paul H. O'Neill
Acting Director

Enclosures

STATEMENT BY THE PRESIDENT

Within the last few months we have witnessed a new outbreak of international terrorism, some of which has been directed against persons who carry the important burdens of diplomacy. Last summer we were grieved by the brutal murders of our Ambassador to Lebanon and his Economic Counsellor. We also have seen a series of acts of violence directed against diplomatic missions in the United States for which we have host country responsibilities. These acts cannot and will not be tolerated in the United States, nor should they be tolerated anywhere in the world. Preventing or punishing such acts is a prime concern of this government and one which I will pursue with all the force of this office.

Today I am pleased to affix my signature to three documents which once again demonstrate the commitment of the United States to sustain its struggle against international terrorism. Through our efforts and with others in the United Nations the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents was adopted in 1972. A few years previously we had supported the adoption in the Organization of American States of the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance. The Senate gave its advice and consent to the ratification of both of these Conventions, and implementing legislation was requested from the Congress which would enable us to discharge our obligations under them. I congratulate the Members of Congress whose prompt and effective efforts have made this bill available for my

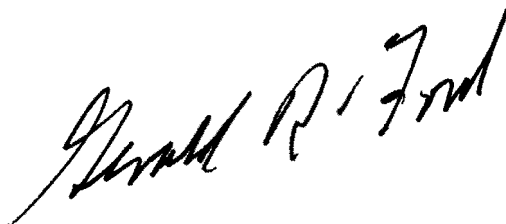
signature. The Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (H.R. 15552) will serve as a significant law enforcement tool for us to deal more effectively with the menace of terrorism and it will assist us in discharging our important responsibilities under the two international Conventions which I am today authorizing for ratification.

An important feature of this bill will be to give extraterritorial effect to our law in order to enable us to punish those who commit offenses against internationally protected persons, wherever those offenses may occur. With this law we will in many cases in the future have an improved basis to request extradition and, if granted, to prosecute such criminal terrorists as those who murdered Ambassador Meloy and Economic Counsellor Waring.

I call upon all nations to join in this vital endeavor. I particularly urge those countries which have not become Parties to these Conventions to do so.

I hope that a new initiative against terrorism as it affects innocent persons and disrupts the fabric of society will be addressed at the current session of the United Nations General Assembly. The full force of world opinion and diplomatic action must be brought to bear on this threat to world peace and order.

I pledge our full support to any constructive proposals to combat terrorism. I am, therefore, happy to sign this Act and these Instruments of Ratification as a re-affirmation of the commitment of the United States Government to bring an end to terrorism.

A handwritten signature in cursive script, reading "Gerald R. Ford". The signature is written in dark ink and is positioned at the bottom right of the page.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 400pm

FOR ACTION:

NSC/S
Max Friedersdorf
Bobbie Kilbegg *Siga*
Dick Parsons
Robert Hartmann

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 15552-Act for the prevention and punishment of crimes against internationally protected persons

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Date: October 2

Time: 400pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 15552-Act for the prevention and punishment of crimes
against internationally protected persons

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend approval and suggest that consideration be given
to the possibility of a signing ceremony or other appropriate
recognition of public interest in this matter.

Barry Roth 10/4

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 2

Time: 400pm

ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

M.G.

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 15552-Act for the prevention and punishment of crimes against internationally protected persons

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

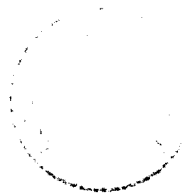
For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval. [Signature]



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

*Mike
D'Val*

*Hype Signing
OCT. 2 1976
Should do
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+ Announce
to Pool*

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 15552 - Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons

Sponsor - Rep. Rodino (D) New Jersey and 4 others
Last Day for Action

October 9, 1976 - Saturday

Purpose

To implement two international conventions to prevent and punish criminal acts against foreign officials, the diplomatic community, officers and employees of recognized international organizations, and their families.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Statement attached)
Department of the Treasury	Approval
Department of Defense	Approval

Discussion

H.R. 15552, which is virtually identical to an Administration proposal, was developed pursuant to the signatory responsibility of the United States under two international Conventions concerning crimes of violence committed against members of the diplomatic community: (1) the OAS "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance;" and (2) the UN "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents." The Senate has given its advice and consent to the ratification of both Conventions--the OAS Convention on June 12, 1972, and the UN Convention on October 28, 1975. However, it is

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 600pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann
Judy Hope ✓

cc (for information): Jack Marsh
Jim Connor
Ed Schmults
Paul Leach

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 5446-International Navigational Rules Act of 1976



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*I recommend disapproval. I recognize that lengthy negotiations, involved in working out these complex international rules of the road; nevertheless there is apparently adequate time for the next Congress to enact the rules implementing the convention without the unconstitutional provision, Section 3(d).
Freith Richards Hope*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

10/4/76!

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
Per ..

IMPLEMENTING INTERNATIONAL CONVENTIONS
AGAINST TERRORISM

SEPTEMBER 18, 1976.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HUNGATE, from the Committee on the Judiciary,
submitted the following

REPORT
together with
DISSENTING VIEWS

[To accompany H.R. 15552]



The Committee on the Judiciary, to whom was referred the bill (H.R. 15552) to amend title 18, United States Code, to implement the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the legislation is to implement the "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents."

BACKGROUND

Both the Organization of American States and the United Nations have begun concerted international efforts to deal with terrorist acts directed at diplomats. The OAS has drafted the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Sig-

nificance" (known as the OAS Convention), and the U.N. has drafted the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons" (known as the U.N. Convention). These Conventions are based upon a recognition that criminal acts directed at diplomatic agents seriously threaten the maintenance of normal international relations.

The United States has signed both Conventions—the OAS Convention on February 2, 1971, and the U.N. Convention on December 28, 1973. The Senate has given its advice and consent to the ratification of both Conventions—the OAS Convention on June 12, 1972, and the U.N. Convention on October 28, 1975.¹ The United States will become a party to each Convention upon deposit of an instrument of ratification with the appropriate international agency.

Treaty Obligations

The OAS and U.N. Conventions seek to safeguard "internationally protected persons" from certain crimes. "Internationally protected persons" include:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.²

The crimes from which these Conventions seek to protect such persons include murder, kidnapping and assault; threats or attempts to commit murder, kidnapping or assault; and extortion in connection with murder, kidnapping, or assault.

Both Conventions obligate a party to them to take certain action when it finds within its territory someone who has committed one of the enumerated offenses against an internationally protected person. The party must either extradite the offender to another party or try him under its own criminal laws. For example, country A is a party to the Conventions. A citizen of country A kills the American Ambassador to his country. The offender then flees from country A to the United States, where he is apprehended. If the United States were a party to the Conventions, it would be obligated either to extradite the offender to country A or to try him under United States law. The United States would have unrestricted discretion to decide which course of action to take.

Both Conventions, therefore, may result in the United States exercising extraterritorial criminal jurisdiction.³ This would occur in

¹ See Senate Executive Report No. 92-93; Senate Executive Report No. 94-10.

² U.N. Convention Art. 1, in Executive Document L, 93d Cong., 2d Session, at 1 (1974).

³ See S. Swigert, "Extraterritorial Jurisdiction—Criminal Law," 13 *Harvard International Law Journal* 346 (1972).

the above example if the United States were to choose to try the citizen of country A for the crime of murder, since the offense occurred within the territory of another country. Extraterritorial criminal jurisdiction was authorized last Congress in Public Law 93-366, which deals with aircraft hijacking.⁴

Need for Legislation

Even though the Senate has given its advice and consent to ratify both Conventions, the instruments of ratification have not been deposited and the United States is not yet a party to either. It is the policy of the State Department not to deposit an instrument of ratification unless it is assured that federal law will permit the United States fully to discharge its treaty obligations.⁵ Unless this legislation is enacted, the United States would not be able fully to discharge its obligations under the Conventions.

The OAS Convention is presently in force, and the State Department expects the U.N. Convention to enter into force very shortly (only 6 more ratifications are needed). It is in the best interests of the United States to become a party to both. This legislation, if enacted, will permit the United States to deposit the instruments of ratification for both treaties and become a party to them.

⁴ The Legal Adviser of the Department of State, in a statement submitted to the Committee, concluded that "there is clear Constitutional authority for Congress to exercise, in certain circumstances, extraterritorial jurisdiction over the offenses designated under these Conventions."

⁵ Statement of Monroe Leigh, Legal Adviser, Department of State.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 of the bill provides that the short title of the legislation is the "Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons."

SECTION 2

Section 2 of the bill amends section 1116(a) of title 18, United States Code, which presently provides criminal penalties for the murder of foreign officials and official guests. The legislation amends that section to include "internationally protected persons" and to provide criminal penalties for attempted murder. The legislation amends section 1116(b) of title 18, United States Code, to define "internationally protected persons" in accordance with the Conventions.

The legislation also amends section 1116 of title 18, United States Code, to authorize the United States to exercise extraterritorial jurisdiction over the offenses defined in section 1116 if the alleged offender is present within the United States.⁶ Finally, the legislation amends section 1116 of title 18, United States Code, to authorize the Attorney General to request assistance from any federal, state or local agency in the course of enforcing the provisions of section 1116.⁷ This parallels similar provisions relating to attacks upon Members of Congress (section 351(g) of title 18, United States Code) and the President and Vice-President (section 1751(i) of title 18, United States Code).

SECTION 3

Section 3 of the bill amends the analysis at the beginning of chapter 51 of title 18, United States Code, to reflect a change in the title of section 1116.

SECTION 4

Section 4 of the bill amends the federal kidnapping statute (section 1201 of title 18, United States Code) to provide criminal penalties if the victim is an internationally protected person. It also amends the statute to provide criminal punishment for attempted kidnapping of internationally protected persons, foreign officials, or official guests of the United States.⁸

⁶ See U.N. Convention Art. 1 (2), in Executive Document L, 93d Cong., 2d Session, at 1, which defines "alleged offender" to mean "a person as to whom there is sufficient evidence to determine *prima facie* that he has committed or participated in one or more of the crimes" specified in the Convention.

⁷ There may be circumstances—such as the takeover of an embassy—when the Justice Department will need assistance from other federal, State or local agencies. It is intended that requests by the Attorney General for assistance from federal, State or local agencies be limited to requests for assistance within the territory of the United States.

⁸ Earlier versions of this legislation, H.R. 12942 and H.R. 13709, contained provisions creating a general attempted kidnapping statute. The provision in this legislation is more limited because insufficient data was received to enable a proper assessment of the need for, and impact of, a general attempted kidnapping statute.

The legislation also authorizes the United States to exercise extra-territorial jurisdiction if the alleged offender is present within the United States. Further, the legislation authorizes the Attorney General, in the course of enforcing the provisions of the statute relating to internationally protected persons, to request assistance from any federal, state or local agency.

SECTION 5

Section 5 of the bill amends section 112 of title 18, United States Code, which deals with assaults against foreign officials and official guests. The present statute (section 112(a) of title 18, United States Code) makes it unlawful to assault, strike, wound, imprison or offer violence to a foreign official or official guest. The legislation amends this provision to make it unlawful to commit such acts against an internationally protected person.

Present federal law (section 112(b) of title 18, United States Code) makes it unlawful willfully to intimidate, coerce, threaten or harass a foreign official or official guest. The legislation makes it unlawful to commit such acts against internationally protected persons.

Federal law (section 112(c) of title 18, United States Code) presently prohibits certain types of conduct and speech carried out in close proximity (within 100 feet) of a building owned, used or occupied by a foreign government, a foreign official, or an international organization. It provides criminal penalties for someone who—

(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

(2) congregates with two or more persons with the intent to perform any of the aforesaid acts * * *.”⁹

The legislation changes this language to make it unlawful for someone willfully to congregate with 2 or more people with the intent to intimidate, threaten, coerce or harass a foreign official or official guest.¹⁰

The legislation authorizes the United States to exercise extraterritorial jurisdiction if the alleged offender is present in the United States

⁹ This language raises serious Constitutional questions because it appears to include within its purview conduct and speech protected by the First Amendment. The Committee is of the opinion that its new language is not Constitutionally objectionable on First Amendment grounds. To make it clear that this legislation is not intended in any way to inhibit the exercise of First Amendment rights, the legislation continues this language presently in the statute: “Nothing contained in this section [112] shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.”

¹⁰ The term “willfully” it has been noted, may have different meanings in different statutes. L. Weinreb, “Comment on Basis of Criminal Liability: Culpability; Causation; Chapter 3; Section 610,” in *Working Papers of the National Commission on Reform of Federal Criminal Laws* 105, 148-51 (1970). In amending section 112 and other sections of title 18, United States Code, the Committee in this legislation intends that “willfully” have the following meaning: “An act is done ‘willfully’ if done voluntarily and intentionally, and with the specific intent to do something the law forbids; that is to say, with bad purpose either to disobey or to disregard the law.” E. Devitt & C. Blackmar, *Federal Jury Practice and Instructions* § 16.13 (1970). See *Screws v. United States*, 325 U.S. 91 (1945); *Hartzel v. United States*, 322 U.S. 680, 686 (1944); *United States v. Murdock*, 290 U.S. 389, 394 (1933); *Pelton v. United States*, 96 U.S. 699, 702 (1877).

Thus, for example, an internationally protected person who is lawfully arrested (by a police officer or someone making a citizen's arrest, may have been obstructed in carrying out official duties. However, the obstruction would not have been willful within the meaning of the legislation, since the arrest would not have been made for a bad purpose but rather for the good purpose of enforcing the law.

and if the offense involves a violation of section 112(a) of title 18, United States Code, where the victim or intended victim is an internationally protected person. The Attorney General is authorized to request the assistance of any federal, state or local agency in the course of enforcing the provisions relating to internationally protected persons.

SECTION 6

Section 6 of the bill intends to amend the analysis at the beginning of chapter 7 of title 18, United States Code, to reflect a change in the title of section 112.¹¹

SECTION 7

Section 7 amends section 970 of title 18, United States Code. Section 970 of title 18 makes it unlawful for someone willfully to injure, damage or destroy real or personal property belonging to or used by a foreign government, an international organization, a foreign official or an official guest.

The legislation adds a new provision prescribing criminal penalties for some who willfully and with an intent to intimidate, coerce, threaten or harass, trespasses upon that portion of any building occupied or used by a foreign government, an international organization, a foreign official, or an official guest. The trespass can occur in two ways. First, it occurs when someone “forcibly thrusts any part of himself or any object within or upon” that portion of the building so occupied or used. It also occurs when someone refuses to depart from that portion of the building so occupied or used after requested to do so by an authorized employee of a foreign government or international organization, by a foreign official or authorized member of his staff, by an official guest or authorized member of his staff, or by any person present having law enforcement powers.

SECTION 8

Section 8 of the legislation amends chapter 40 of title 18, United States Code, by adding a new section (878) prohibiting threats and extortion against foreign officials, official guests, or internationally protected persons. The new section will provide criminal penalties when someone knowingly and willfully threatens to kill, kidnap or assault a foreign official, official guest, or internationally protected person. It also makes criminally punishable extortionate demands made in connection with the killing, kidnapping or assaulting of a foreign official, official guest, or internationally protected person.

The legislation provides for extraterritorial jurisdiction over the above offenses if the victim is an internationally protected person.¹²

SECTION 9

Section 9 of the bill amends the analysis of chapter 41 of title 18, United States Code, by inserting a reference to the new section.

¹¹ A typographical error in the bill refers to chapter 51 instead of chapter 7.

¹² A typographical error in proposed section 878(c) makes a cross-reference to section 1116(a) instead of section 1116(b) of title 18, United States Code.

SECTION 10

Section 10 of the bill provides that the legislation is not intended to preempt, "to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia," the field in which its provisions operate. It further provides that the legislation does not "relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession or the District of Columbia * * *."

SECTION 11

Section 11 of the bill amends section 11 of title 18, United States Code. That section of title 18 defines "foreign government" for the purposes of title 18. The amendment makes it clear that the term "foreign government" has a special meaning in sections 112, 878, 970, 1116 and 1201 of title 18.

OVERSIGHT

The Committee makes no oversight findings with respect to this legislation.

COST

Pursuant to clause 7, rule XIII of the Rules of the House of Representatives, the committee estimates that no new cost to the United States is entailed by H.R. 15552.

NEW BUDGET AUTHORITY

H.R. 15552 creates no new budget authority.

STATEMENT OF THE COMMITTEE ON GOVERNMENT OPERATIONS

No statement on this legislation has been received from the House Committee on Government Operations.

INFLATION IMPACT STATEMENT

This legislation will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

COMMITTEE VOTE

H.R. 15552 was reported out of committee on Wednesday, September 15, by a vote of 23-5.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

TITLE 18, UNITED STATES CODE

CHAPTER 1.—GENERAL PROVISIONS

§ 11. Foreign government defined.

The term "foreign government", as used in this title *except in sections 112, 878, 970, 1116, and 1201*, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

CHAPTER 7.—ASSAULT

Sec.

111. Assaulting, resisting, or impeding certain officers or employees.
 112. Protection of foreign officials [and] official guests; *and internationally protected persons*.
 113. Assaults within maritime and territorial jurisdiction.
 114. Maiming within maritime and territorial jurisdiction.

§ 112. Protection of foreign officials [and] , official guests, and internationally protected persons.

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official [or], official guest, or *internationally protected person* or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

[(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than \$500, or imprisoned not more than six months, or both.]

(b) *Whoever willfully—*

(1) *intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;*

(2) *attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or*

(3) *within the United States but outside the District of Columbia and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—*

(A) *a foreign government, including such use as a mission to an international organization;*

(B) *an international organization;*

(C) *a foreign official; or*

(D) *an official guest; congregates with two or more other persons with intent to violate any other provision of this section; shall be fined not more than \$500 or imprisoned not more than six months, or both.*

[(c) Whoever within the United States but outside the District of Columbia and within one hundred feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic or consular purposes, or as a mission to an international organization, or as a residence of a foreign official, or belonging to or used or occupied by an international organization for official business or residential purposes, publicly—

[(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

[(2) congregates with two or more other persons with the intent to perform any of the aforesaid acts or to violate subsection

(a) or (b) of this section, shall be fined not more than \$500, or imprisoned not more than six months, or both.]

[(d)](c) For the purpose of this section ["foreign official", "foreign government"] "foreign government" "foreign official", "internationally protected person", "international organization", and "official guest" shall have the same meanings as those provided in sections 1116(b) [and (c)] of this title.

[(e)](d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) *If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).*

(f) *In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.*

* * * * *

CHAPTER 41.—EXTORTION AND THREATS

- Sec.
871. Threats against President and successors to the Presidency.
872. Extortion by officers or employees of the United States.
873. Blackmail.
874. Kickbacks from public works employees.
875. Interstate communications.
876. Mailing threatening communications.
877. Mailing threatening communications from foreign country.
878. Threat and extortion against foreign officials, official guests, and internationally protected persons.
- * * * * *

* * * * *

CHAPTER 45.—FOREIGN RELATIONS

* * * * *

§ 878. Threats and extortion against foreign officials, official guests, or internationally protected persons

(a) *Whoever knowingly and willfully threatens to violate section 112, 1116 or 1201 by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person shall be fined not more than \$5,000 or imprisoned not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.*

(b) *Whoever in connection with any violation of subsection (a) or actual violation of section 112, 1116, or 1201 makes any extortionate demand shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both.*

(c) *For the purpose of this section "foreign official," "internationally protected person," and "official guest" shall have the same meanings as those provided in section 1116(a) of this title.*

(d) *If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).*

* * * * *

CHAPTER 45.—FOREIGN RELATIONS

* * * * *

§ 970. Protection of property occupied by foreign governments.

(a) *Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.*

(b) *Whoever, willfully with intent to intimidate, coerce, threaten, or harass—*

(1) *forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—*

(A) *a foreign government, including such use as a mission to an international organization;*

(B) *an international organization;*

(C) *a foreign official; or*

(D) *an official guest; or*

(2) *refuses to depart from such portion of such building or premises after a request—*

(A) *by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;*

(B) by a foreign official or any member of the foreign official's staff who is authorized by the foreign official to make such request;

(C) by an official guest or any member of the official guest's staff who is authorized by the official guest to make such request; or

(D) by any person present having law enforcement powers; shall be fined not more than \$500 or imprisoned not more than six months, or both.

[(b)] (c) For the purpose of this section ["foreign official", "foreign government"], "foreign government," "foreign official," "international organization", and "official guest" shall have the same meanings as those provided in sections 1116 (b) [and (c)] of this title.

* * * * *

CHAPTER 51.—HOMICIDE

Sec.

1111. Murder.

1112. Manslaughter.

1113. Attempt to commit murder or manslaughter.

1114. Protection of officers and employees of the United States.

1115. Misconduct or neglect of ship officers.

1116. Murder or manslaughter of foreign officers [or] official guests, or internationally protected persons.

1117. Conspiracy to murder.

* * * * *

§ 1116. Murder or manslaughter of foreign officials [or], official guests, or internationally protected persons.

(a) Whoever kills [a foreign official or official guest] or attempts to kill a foreign official, official guard, or internationally protected person shall be punished as provided under sections 1111 [and], 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

[(b)] For the purpose of this section "foreign official" means—

[(1)] a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

[(2)] any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

[(c)] (b) For the [purpose] purposes of this section:

[(3)] (1) "Family includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

[(1)] (2) "Foreign government" means the government of a foreign country, irrespective of recognition by the United States.

(3) "Foreign official" means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) "Internationally protected person" means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

[(2)] (5) "International organization" means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

[(4)] (6) "Official guest" means a citizen or national of a foreign country present in the United States as an official guest of the [government] Government of the United States pursuant to designation as such by the Secretary of State.

(c) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101 (34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 (34)).

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

§ 1201. Kidnaping.

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

(1) the person is willfully transported in interstate or foreign commerce;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)); or

(4) the person is a foreign official [as defined in section 1116(b) or an official guest as], an internationally protected person, or an official guest as those terms are defined in section 1116(c)(4) (b) of this title.

shall be punished by imprisonment for any term of years or for life.

(b) With respect to subsection (a) (1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported to interstate or foreign commerce.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any terms of years or for life.

(d) Whoever attempts to violate subsection (a) (4) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

(f) In the course of enforcement of subsection (a) (4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a) (4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

DISSENTING VIEWS OF HON. ELIZABETH HOLTZMAN,
HON. DON EDWARDS OF CALIFORNIA, HON. JOHN
CONYERS, AND HON. THOMAS N. KINDNESS

We regretfully dissent from the Committee's approval of H.R. 15552. This bill is primarily designed to implement U.S. treaty obligations with respect to two international conventions on terrorism;¹ to the extent it does so, we support it. The bill, however, goes beyond what is necessary to carry out these treaties and includes provisions that seriously infringe on constitutional freedoms. We believe that the bill should have been recommitted so its vague, unconstitutional provisions could have been redrafted.²

One of the most serious problems with the bill is that it punishes peaceable assembly. Section 5 makes it a crime for a person "to congregate with two or more persons with an intent to violate" the provisions of the bill. All that is punishable is intent, not action.

Thus, under this bill, three people who peaceably stand in a silent vigil outside the U.N. or a foreign embassy to protest events in South Africa, the Soviet Union, Arab countries or elsewhere, can be arrested.

Moreover, the "congregating" provision is hopelessly ambiguous. It is not clear how many of the three people must intend to violate the act. Further, how is a person to know what is in the mind of the person next to him?

The "congregating" provision is not required by the international conventions. It is unconstitutional and senseless and should be stricken.

A second problem is that the bill punishes innocent conduct. Section 5 makes it a crime to "obstruct a foreign official in the performance of his duties." In addition, "foreign official" is broadly defined to include families and employees of diplomats.

Take the case of an American policeman who attempts to arrest a diplomat's chauffeur for drunken driving or the supermarket manager who detains an ambassador's cook in the supermarket for suspected shoplifting. The policeman and the store manager intend to detain the foreign chauffeur or cook and, for the time being, to stop him or her from carrying on official duties, but they are not acting for the purpose of harassment, intimidation, coercion or the like. Nonetheless, the literal terms of the bill do not preclude such a result.

Careful drafting could have avoided this absurd result. "Obstruction" that results from lawful or constitutional action should not be penalized. "Obstruction" that is the result of efforts to threaten or harm ought to be punished.

¹The Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance was agreed to by the Organization of American States on February 2, 1971. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons was adopted by the United Nations Assembly and signed by the United States in December 1973.

²Since these conventions have been signed for three and five years respectively, an additional day or two to perfect the vague language should do no great harm.

Furthermore, the bill by penalizing "harassment" of foreign officials, without defining the term, subjects Americans to arrest for such constitutionally protected acts as heckling or booing a foreign representative who makes a public speech. Since harassment is such a vague term, whether a person is arrested may depend on the boiling point of particular foreign officials.

The Committee's rationale for these provisions is that they are better than the present language of the present law (18 U.S.C. 112). Granted, the present provisions of Section 112 of Title 18 are terrible. Nonetheless, the Committee should have redrafted this bill to "improve" Section 112 in a way that does not abridge constitutional freedoms.

The Committee's rationale—trying to improve the present law—breaks down, however, with respect to Section 7 of the bill. In amending Section 970 of Title 18 of the U.S. Code, the bill makes present law worse.

The current statute makes it a crime to injure, damage or destroy real or personal property belonging to a foreign government. Its scope and objective are unoffensive. But, under the guise of wanting to protect foreign officials from smoke bombs or persons who chain themselves to trees in front of the embassies, the present bill has broadened the definition of criminal activity to cover innocent or constitutionally protected actions that in no way interfere with the personal liberty, safety or official business of foreign emissaries.

Thus, Section 7 of the bill punishes anyone who "forcibly thrusts any part of himself or any object" onto premises owned by foreign governments with an intent to harass. Premises used by foreign governments for official business, including businesses like airlines or tourist offices, are covered. Thus, someone who walks into the offices of Aeroflot (the U.S.S.R.'s airline) or the South African Tourist Office, says nothing, and walks right out, could be committing a crime if he or she has the intention to harass.

We strongly deplore recent episodes of international terrorism and support international efforts to deal with these problems. The conventions involved here require the United States only to enact legislation to protect foreign officials and guests from murder, violent attack, assault, kidnaping or threats. These conventions do not require the wholesale infringement of constitutionally protected activities found in this bill. It is disingenuous to use the excuse of implementing treaties to enact statutes that punish peaceable assembly and such vague acts as "harassment", "forcible thrusts" and "obstruction".

We hope that the bill can be amended to solve these problems.

ELIZABETH HOLTZMAN.
JOHN CONYERS.
THOMAS N. KINDNESS.
DON EDWARDS.

Date: October 2

Time: 400pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 15552-Act for the prevention and punishment of crimes
against internationally protected persons

signing statement

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

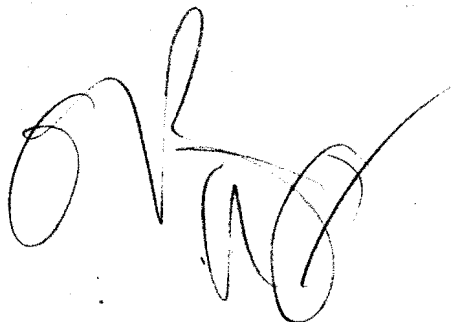
Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/4/76 - copy sent for researching. nm

10/4/76 - Researched copy returned. nm



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President



DEPARTMENT OF STATE

Washington, D.C. 20520

Honorable James T. Lynn
Director, Office of Management
and Budget
Executive Office Building
Washington, D.C. 20503

SEP 29 1976

Dear Mr. Lynn:

With reference to the request of Mr. James M. Frey for views of the Department of State on the Enrolled Bill cited as the "Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons" (H.R. 15552), may I note that the Bill has been reviewed and, despite several minor technical problems, the Department considers this legislation acceptable and important to the national interest.

In the haste to obtain this legislation prior to adjournment, and in view of several Executive and Congressional modifications made to allay concerns expressed by certain members of Congress, one or two minor discrepancies in the Bill were enacted.

A typographical error appears in the title of the Act in the use of the word "Provision" instead of "Prevention" in identifying the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons.

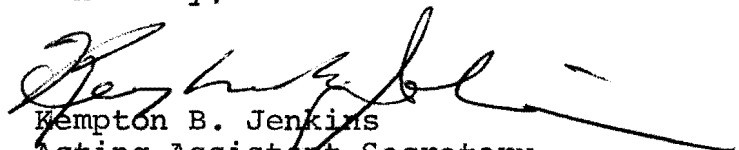
Section 2 of the Enrolled Bill, which amends Section 1116 of Title 18, U.S. Code, has limited the application of "internationally protected persons" who are representatives, officers, employees or agents of international organizations to those of "public international organizations" which are designated in Section 1 of the International Organizations Immunities Act (22 U.S.C. 288). This would exclude certain officials of such international organizations as the Organization of Petroleum Exporting Countries (OPEC) and other international organizations in which the United States does not participate. The impact of this omission on our ability to discharge our obligations under the Convention, which this bill implements, is regarded as de minimis.

There also are several lesser discrepancies cited in the comments of the Department of Justice which it has sought to clarify through augmentation of the legislative history. We have consulted with the Department of Justice and are satisfied that these problems will not be serious impediments to the administration of this law or to the implementation of the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance or the Convention on Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents.

The Department of State therefore recommends that the President sign this legislation and concurrently sign the instruments of ratification of the two international Conventions which are implemented by it. The Department of State is transmitting separately in the prescribed manner these two Instruments of Ratification.

The Department of State also recommends that the President make a signing statement. A suggested text is attached.

Sincerely,


Hempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

Enclosure:
Suggested text.

SUGGESTED REMARKS BEFORE SIGNING H.R. 15552 INTO LAW

Within the last few months we have witnessed a new outbreak of international terrorism, some of which has been directed against persons who carry the important burdens of diplomacy. Last summer we were grieved by the brutal murders of our Ambassador to Lebanon and his Economic Counsellor. We also have seen a series of acts of violence directed against diplomatic missions in the United States for which we have host country responsibilities. These acts cannot and will not be tolerated in the United States nor should they be tolerated anywhere in the world. Preventing or punishing such acts is a prime concern of this government and one which I will pursue with all the force of this office.

Today I am pleased to affix my signature to three documents which once again demonstrate the commitment of the United States to sustain its struggle against international terrorism. Through our efforts and with others in the United Nations the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents was adopted in 1972. A few years previously we had supported the adoption in

the Organization of American States of the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance. The Senate gave its advice and consent to the ratification of both of these Conventions and implementing legislation was requested from the Congress which would enable us to discharge our obligations under them. I congratulate the Members of Congress whose prompt and effective efforts have made this bill available for my signature. The Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (H.R. 15552) will serve as a significant law enforcement tool for us to deal more effectively with the menace of terrorism and it will assist us in discharging our important responsibilities under the two international Conventions which I am today authorizing for ratification.

An important feature of this bill will be to give extraterritorial effect to our law in order to enable us to punish those who commit offenses against internationally protected persons wherever those offenses may occur. With this law we will in many cases in the future have an improved basis to request extradition and, if granted,

to prosecute such criminal terrorists as those who murdered Ambassador Meloy and Economic Counsellor Waring.

I call upon all nations to join in this vital endeavor. I particularly urge those countries which have not become Parties to these Conventions to do so.

I hope that a new initiative against terrorism as it affects innocent persons and disrupts the fabric of society will be addressed at the current session of the United Nations General Assembly. The full force of world opinion and diplomatic action must be brought to bear on this threat to world peace and order.

I pledge our full support to any constructive proposals to combat terrorism. I am, therefore, happy to sign this Act and these Instruments of Ratification as a re-affirmation of the commitment of the United States Government to bring an end to terrorism.

Department of Justice
Washington, D.C. 20530

September 30, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, we have examined a facsimile of the enrolled bill H.R. 15552, "To amend title 18, United States Code, to implement the 'Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance' and the 'Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents', and for other purposes."

The bill implements the Organization of American States and United Nations conventions prohibiting acts of terrorism directed against persons who are responsible for conducting international affairs and persons whose offices are internationally significant. The conventions require that State parties enact internal laws to deter such terrorist attacks and to provide for judicial jurisdiction when attacks against internationally protected persons occur abroad and the offenders later come within the parties' territorial jurisdiction. In addition to the implementing provisions, the enrolled bill makes several comparatively minor changes in existing Federal law.

Specifically, the bill seeks to amend title 18 of the United States Code to provide extraterritorial jurisdiction when an internationally protected person is killed or the target of a murder attempt (18 U.S.C. § 1116), kidnapped or the target of a kidnap attempt (18 U.S.C. § 1201), assaulted or the target of an attempted assault (18 U.S.C. § 112(a)), or threatened or the target of an extortionate demand (18 U.S.C. § 878). Additionally the bill would amend section 970 of title 18 to prohibit the forcible

thrusting of an object on premises used by foreign officials within the United States and to punish refusals to leave such premises. Finally the bill would amend section 112 of title 18 to replace the present provision prohibiting the parading, picketing, etc. for the purpose of harassing foreign officials with a provision prohibiting the attempted intimidation, coercion, or harassment of foreign officials.

The conventions provide an international mechanism whereby nations that discover persons within their territory who have committed crimes against internationally protected persons must either extradite or bring judicial proceedings against those persons. The bill gives the United States the internal legal mechanism to effect the conventions. Once the United States becomes a party, it can exert itself in persuading other nations to become parties. The more nations that adhere to the conventions, the greater the deterrence to terrorist activity.

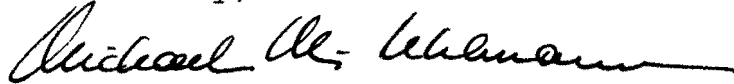
Unfortunately, Congress' haste in passing the bill permitted several errors to go uncorrected. The most innocuous is found in section 878(c). The reference should be to the meanings in section "1116(b)" rather than section "1116(a)." More bothersome is the omission of a reference to subsection (b)(extortion) in the provision giving extraterritorial jurisdiction to section 878 and the omission of a reference to subsection (d)(attempted kidnappings) in the provision giving extraterritorial jurisdiction to section 1201. Nevertheless we believe that the legislative history to the bill will permit the exercise of such jurisdiction. Cf. United States v. Hall, 488 F.2d 193 (9th Cir. 1973). The most troublesome provision however is in the definition of "international organization" which limits the scope of the definition of "internationally protected person" to less than the entire set of persons who may be entitled to special protection under international law. However, most of the persons inadvertently omitted will be picked up through their concurrent status as "representative[s], officer[s], employee[s], or agent[s] of . . . foreign government[s] "

This enrolled bill is the end result of a legislative proposal transmitted to the Congress by the Department of State and the Department of Justice on March 11, 1976, and subsequently introduced by Senator Hruska (S. 3646) and Congressman Wiggins (H.R. 12942). The Department, of course, testified in favor of H.R. 12942 on June 30, 1976, and we

believe that the benefits of this legislation far outweigh the minor concerns mentioned above.

The Department of Justice strongly recommends Executive approval of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Uhlmann". The signature is written in black ink and is positioned below the word "Sincerely,".

Michael M. Uhlmann
Assistant Attorney General



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

SEP 28 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

This report is in response to your request for the views of this Department on the enrolled enactment of H.R. 15552, "To amend title 18, United States Code, to implement the 'Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance' and the 'Convention on the Provision and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents', and for other purposes."

The Department recommends that the enrolled enactment be approved by the President since it would permit the United States to discharge its obligations under the two international conventions and would establish and clarify Federal jurisdiction in certain matters of concern to the Treasury Department.

Sincerely yours,

General Counsel

Richard R. Albrecht



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

30 September 1976

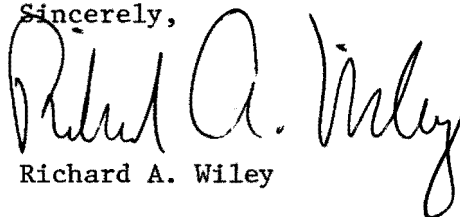
Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Defense on the Enrolled Enactment of H.R. 15552, 94th Congress, "To amend title 18, United States Code, to implement the 'Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance' and the 'Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents', and for other purposes."

As passed by the Congress, H.R. 15552 is virtually identical to the legislation which the Secretary of State and the Attorney General recommended to the Congress on March 11, 1976. However, H.R. 15552 repeals paragraph (1) of title 18 U.S.C. 112(c), relating to certain demonstrations within 100 feet of foreign consulates, etc., whereas the legislation recommended by the Administration would have slightly amended the paragraph. The Department of Defense defers to the Department of State as to whether the subject Conventions would obligate the United States to punish the conduct now proscribed by that paragraph. Since, however, by far the greatest portion of the enrolled enactment would accomplish beneficial changes in the law and the remedy for the possible deficiency can best be sought by separate legislation, the Department of Defense recommends that the President approve H.R. 15552, 94th Congress.

Sincerely,

A handwritten signature in cursive script, reading "Richard A. Wiley".

Richard A. Wiley

MEMORANDUM

NATIONAL SECURITY COUNCIL

5543

October 4, 1976

MEMORANDUM FOR: JAMES M. CANNON

FROM: Jeanne W. Davis *JWD*

SUBJECT: *JWD* H. R. 15552

The NSC Staff concurs in the proposed enrolled bill H. R. 15552-Act for the prevention and punishment of crimes against internationally protected persons. A separate memorandum containing the Instruments of Ratification has been prepared for General Scowcroft's signature to the President.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT

SUBJECT: Ratification of Two Conventions Relating to
the Prevention and Punishment of Crimes
Against Internationally Protected Persons

At Tab A, for your signature, are the instruments of ratification, in duplicate, of (1) the OAS Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That are of International Significance, and (2) the UN Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. The Conventions were sent to the Senate for advice and consent on (1) May 11, 1971, and (2) November 13, 1974, respectively. The Senate complied on (1) June 12, 1972, and (2) October 28, 1975, respectively.

The implementing legislation (H.R. 15552 -- Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons) has just been passed and is being forwarded for your signature in a separate action. The legislation is virtually identical to an Administration proposal and will enable the US to fully discharge its obligations under both Conventions.

The Conventions establish legal mechanisms which require submission for prosecution or extradition of persons alleged to have committed serious crimes against diplomats and other internationally protected persons. They also establish a framework for international cooperation, on a regional and global basis, in deterring and punishing such crimes. Signing both Conventions and the implementing legislation on the same day will forcefully demonstrate your active pursuit of solutions to the problems of terrorism.

RECOMMENDATION

That you sign the instruments of ratification, in duplicate, at Tab A on the same day you sign the implementing legislation.



DEPARTMENT OF STATE

Washington, D.C. 20520

September 29, 1976

MEMORANDUM FOR MR. BRENT SCOWCROFT
THE WHITE HOUSE

Subject: Ratification of two conventions relating to the prevention and punishment of crimes against internationally protected persons

Attached for signature by the President are the instruments of ratification, in duplicate, of (1) the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, and (2) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

The Senate gave its advice and consent to ratification of the two Conventions on June 12, 1972, and October 28, 1975, respectively.

Both Conventions constitute important steps in the development of effective legal deterrents to crimes against diplomats and other foreign officials. The Conventions establish legal mechanisms which require submission for prosecution or extradition of persons alleged to have committed serious crimes against diplomats and other internationally protected persons. It also sets out a framework for international cooperation in the prevention and punishment of such crimes.

The Department recommends that the two instruments of ratification, as well as the implementing legislation (H.R. 1552 - the Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons), be signed by the President on the same day.

Frank V. Ortiz
for C. Arthur Borg
Executive Secretary

Attachments:

Instruments of
ratification,
in duplicate

GERALD R. FORD

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

CONSIDERING THAT:

The Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance was signed in behalf of the United States of America on February 2, 1971; and

The Senate of the United States of America by its resolution of June 12, 1972, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention;

NOW, THEREFORE, I, Gerald R. Ford, President of the United States of America, ratify and confirm the said Convention.

IN TESTIMONY WHEREOF, I have signed this instrument of ratification and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington

our Lord one thousand
nine hundred seventy-six
and of the Independence
of the United States of
America the two hundred
first.

By the President:

Secretary of State

GERALD R. FORD

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

CONSIDERING THAT:

The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, was adopted by the United Nations General Assembly on December 14, 1973, and was signed in behalf of the United States of America on December 28, 1973; and

The Senate of the United States of America by its resolution of October 28, 1975, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention;

NOW, THEREFORE, I, Gerald R. Ford, President of the United States of America, ratify and confirm the said Convention.

IN TESTIMONY WHEREOF, I have signed this instrument of ratification and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington

our Lord one thousand
nine hundred seventy-six
and of the Independence
of the United States of
America the two hundred
first.

By the President:

Secretary of State

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 15552 - Act for the Prevention
and Punishment of Crimes Against Internationally
Protected Persons

Sponsor - Rep. Rodino (D) New Jersey and 4 others
Last Day for Action

October 9, 1976 - Saturday

Purpose

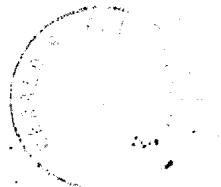
To implement two international conventions to prevent and punish criminal acts against foreign officials, the diplomatic community, officers and employees of recognized international organizations, and their families.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Statement attached)
Department of the Treasury	Approval
Department of Defense	Approval

Discussion

H.R. 15552, which is virtually identical to an Administration proposal, was developed pursuant to the signatory responsibility of the United States under two international Conventions concerning crimes of violence committed against members of the diplomatic community: (1) the OAS "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance;" and (2) the UN "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents." The Senate has given its advice and consent to the ratification of both Conventions--the OAS Convention on June 12, 1972, and the UN Convention on October 28, 1975. However, it is



10-
J. Johnston
10-2-76
3:45 p.m.

Date: October 2

Time: 400pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

*278
to RKO
10/4 10:55
GAM* *to DJS
10/4 11:40
GAM*

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 15552-Act for the prevention and punishment of crimes against internationally protected persons

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/4/76 - copy sent for researching. nm
10/4/76 - Researched copy returned. nm



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

SUGGESTED REMARKS BEFORE SIGNING H.R. 15552 INTO LAW



Within the last few months we have witnessed a new outbreak of international terrorism, some of which has been directed against persons who carry the important burdens of diplomacy. Last summer we were grieved by the brutal murders of our Ambassador to Lebanon and his Economic Counsellor. We also have seen a series of acts of violence directed against diplomatic missions in the United States for which we have host country responsibilities. These acts cannot and will not be tolerated in the United States nor should they be tolerated anywhere in the world. Preventing or punishing such acts is a prime concern of this government and one which I will pursue with all the force of this office.

Today I am pleased to affix my signature to three documents which once again demonstrate the commitment of the United States to sustain its struggle against international terrorism. Through our efforts with others in the United Nations the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents was adopted in 1972. A few years previously we had supported the adoption in

J.C.
p. 1062

Back-up



Book up

the Organization of American States of the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance. The Senate gave its advice and consent to the ratification of both of these Conventions and implementing legislation was requested from the Congress which would enable us to discharge our obligations under them. I congratulate the Members of Congress whose prompt and effective efforts have made this bill available for my signature. The Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (H.R. 15552) will serve as a significant law enforcement tool for us to deal more effectively with the menace of terrorism and it will assist us in discharging our important responsibilities under the two international Conventions which I am today authorizing for ratification.

Book up

An important feature of this bill will be to give extraterritorial effect to our law in order to enable us to punish those who commit offenses against internationally protected persons wherever those offenses may occur. With this law we will in many cases in the future have an improved basis to request extradition and, if granted,

Book up

J. C.
P. 1062

to prosecute such criminal terrorists as those who murdered Ambassador Meloy and Economic Counsellor Waring.

I call upon all nations to join in this vital endeavor. I particularly urge those countries which have not become Parties to these Conventions to do so.

I hope that a new initiative against terrorism as it affects innocent persons and disrupts the fabric of society will be addressed at the current session of the United Nations General Assembly. The full force of world opinion and diplomatic action must be brought to bear on this threat to world peace and order.

I pledge our full support to any constructive proposals to combat terrorism. I am, therefore, happy to sign this Act and these Instruments of Ratification as a re-affirmation of the commitment of the United States Government to bring an end to terrorism.



THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: BRENT SCOWCROFT
SUBJECT: Ratification of Two Conventions Relating to
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RECOMMENDATION

That you sign the instruments of ratification, in duplicate, at Tab A on the same day you sign the implementing legislation.

STATEMENT BY THE PRESIDENT

Within the last few months we have witnessed a new outbreak of international terrorism, some of which has been directed against persons who carry the important burdens of diplomacy. Last summer we were grieved by the brutal murders of our Ambassador to Lebanon and his Economic Counsellor. We also have seen a series of acts of violence directed against diplomatic missions in the United States for which we have host country responsibilities. These acts cannot and will not be tolerated in the United States, nor should they be tolerated anywhere in the world. Preventing or punishing such acts is a prime concern of this government and one which I will pursue with all the force of this office.

Today I am pleased to affix my signature to three documents which once again demonstrate the commitment of the United States to sustain its struggle against international terrorism. Through our efforts and with others in the United Nations the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents was adopted in 1972. A few years previously we had supported the adoption in the Organization of American States of the Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance. The Senate gave its advice and consent to the ratification of both of these Conventions, and implementing legislation was requested from the Congress which would enable us to discharge our obligations under them. I congratulate the Members of Congress whose prompt and effective efforts have made this bill available for my



signature. The Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (H.R. 15552) will serve as a significant law enforcement tool for us to deal more effectively with the menace of terrorism and it will assist us in discharging our important responsibilities under the two international Conventions which I am today authorizing for ratification.

An important feature of this bill will be to give extraterritorial effect to our law in order to enable us to punish those who commit offenses against internationally protected persons, wherever those offenses may occur. With this law we will in many cases in the future have an improved basis to request extradition and, if granted, to prosecute such criminal terrorists as those who murdered Ambassador Naloy and Economic Counsellor Waring.

I call upon all nations to join in this vital endeavor. I particularly urge those countries which have not become Parties to these Conventions to do so.

I hope that a new initiative against terrorism as it affects innocent persons and disrupts the fabric of society will be addressed at the current session of the United Nations General Assembly. The full force of world opinion and diplomatic action must be brought to bear on this threat to world peace and order.

I pledge our full support to any constructive proposals to combat terrorism. I am, therefore, happy to sign this Act and these Instruments of Ratification as a re-affirmation of the commitment of the United States Government to bring an end to terrorism.



INTERNATIONAL NAVIGATIONAL RULES

MARCH 29, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 5446]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5446) to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "International Navigational Rules Act of 1976".

SEC. 2. For the purposes of this Act—

(1) "vessel" means every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water; and

(2) "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation.

SEC. 3. (a) The President is authorized to proclaim the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "International Regulations"). The effective date of the International Regulations for the United States shall be specified in the proclamation and shall be the date as near as possible to, but no earlier than, the date on which the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "Convention"), signed at London, England, under date of October 20, 1972, enters into force for the United States. The International Regulations proclaimed shall consist of the rules and other annexes attached to the Convention.

(b) The proclamation shall include the International Regulations and shall be published in the Federal Register. On the date specified in the proclamation, the International Regulations shall enter into force for the United States and shall have effect as if enacted by statute.

(c) Subject to the provisions of subsection (d) hereof, the President is also authorized to proclaim any amendment to the International Regulations hereafter adopted in accordance with the provisions of article VI of the Convention, and to which United States does not object. The effective date of the amendment shall be specified in the proclamation and shall be in accordance with the provisions of the said article VI. The proclamation shall include the adopted amendment and shall

be published in the Federal Register. On the date specified in the proclamation, the amendment shall enter into force for the United States as a constituent part of the International Regulations, as amended, and shall have effect as if enacted by statute.

(d) (1) Upon receiving a proposed amendment to the International Regulations, communicated to the United States pursuant to clause 3 of article VI of the Convention, the President shall promptly notify the Congress of the proposed amendment. If, within sixty days after receipt of such notification by the Congress, or ten days prior to the date under clause 4 of article VI for registering an objection, whichever comes first, either House of Congress, by affirmative majority vote of those present and voting in that House, adopts a resolution of disapproval, such resolution shall be transmitted to the President and shall constitute an objection by the United States to the proposed amendment. If, upon receiving notification of the resolution of disapproval, the President has not already notified the Inter-Governmental Maritime Consultative Organization of an objection of the United States to the proposed amendment, he shall promptly do so.

(2) For the purposes of this subsection, "resolution of disapproval" means a simple resolution of either House of the Congress, the matter after the resolving clause of which is to read as follows: "That the _____ does not favor the proposed amendment to the International Regulations for Preventing Collisions at Sea, 1972, relating to _____, and forwarded to the Congress by the President on _____," the first blank space therein to be filled with the name of the resolving House, the second blank space therein to be filled with the subject matter of the proposed amendment, and the third blank space therein to be filled with the day, month, and year.

(3) Any proposed amendment transmitted to the Congress by the President and any resolution of disapproval pertaining thereto shall be referred, in the House of Representatives, to the Committee on Merchant Marine and Fisheries, and shall be referred, in the Senate, to the Committee on Commerce.

SEC. 4. Except as provided in section 5 and subject to the provisions of section 6, the International Regulations, as proclaimed under section 3, shall be applicable to, and shall be complied with by—

(1) all vessels, public and private, subject to the jurisdiction of the United States, while upon the high seas or in waters connected therewith navigable by seagoing vessels, and

(2) all other vessels when on waters subject to the jurisdiction of the United States.

SEC. 5. (a) The International Regulations shall not be applicable to vessels while—

(1) in the harbors, rivers, and other inland waters of the United States, as defined in section 1 of the Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154),

(2) in the Great Lakes of North America and their connecting and tributary waters, as defined in section 1 of the Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241), nor while

(3) in the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, as defined in section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 301).

(b) Whenever a vessel subject to the jurisdiction of the United States is in the territorial waters of a foreign state the International Regulations shall be applicable to, and shall be complied with by, that vessel to the extent that the laws and regulations of the foreign state are not in conflict therewith.

SEC. 6. (a) Any requirement of the International Regulations with respect to the number, position, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and characteristics of sound-signaling appliances, shall not be applicable to a vessel of special construction or purpose, whenever the Secretary of the Navy, for any vessel of the Navy, or the Secretary of the department in which the Coast Guard is operating, for any other vessel of the United States, shall certify that the vessel cannot comply fully with that requirement without interfering with the special function of the vessel.

(b) Whenever a certification is issued under the authority of subsection (a) hereof, the vessel involved shall comply with the requirement as to which the

certification is made to the extent that the Secretary issuing the certification shall certify as the closest possible compliance by that vessel.

(c) Notice of the certifications issued pursuant to subsections (a) and (b) hereof shall be published in the Federal Register.

SEC. 7. (a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is operating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) hereof shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

SEC. 8. The Secretary of the department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this Act and the International Regulations proclaimed hereunder.

SEC. 9. (a) Whoever operates a vessel, subject to the provisions of this Act, in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of not more than \$500 for each such violation.

(b) Every vessel subject to the provisions of this Act, other than a public vessel being used for noncommercial purposes, which is operated in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of \$500 for each such violation, for which penalty the vessel may be seized and proceeded against the district court of the United States of any district within which such vessel may be found.

(c) The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

SEC. 10. Public Law 88-131 (77 Stat. 194) is repealed, effective on the date on which the International Regulations enter into force for the United States. The reference in any other law to Public Law 88-131, or to the regulations set forth in section 4 of that Act, shall be considered a reference, respectively, to this Act, or to the International Regulations proclaimed hereunder.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

BACKGROUND

International Regulations governing the lighting and movement of vessels operating on the high seas and connecting waters, navigable by seagoing vessels, have existed for approximately 100 years and periodically have been revised through international conferences to reflect changing technology and changing operational needs. In recent history, such revisions have occurred every 12 years.

The International Rules now in effect were proposed in 1960, and went into effect for United States vessels in 1963 as provided in Public

Law 88-131 (77 Stat. 194; 33 U.S.C. 1061-1094). They have not been changed since 1963 and would be superseded by the regulations provided for in H.R. 5446.

This latest proposed revision was developed over a period of four years within the Committee framework of the Inter-Governmental Maritime Consultative Organization (IMCO). The work culminated in an Inter-Governmental Conference in London in the fall of 1972, and the text of the new Convention was agreed to on October 20, 1972, by that Conference of 46 Nations, with five additional Nations and the Government of Hong Kong being represented by observers. The Convention remained open for signature until June 1, 1973, and remains open for accession indefinitely.

The Convention is scheduled to go into effect, by its terms, 12 months after ratification or accession by at least 15 Nations, the aggregate of the merchant fleets of which constitute not less than 65% (both by number and by tonnage) of the total world fleet of vessels of 100 gross tons or over. As of the date of this report, 21 Nations have ratified or acceded to the Convention, thus meeting the minimum requirement as to the number of signatories. The aggregate fleets of the 21 signatories also meets the minimum requirement as to numbers of vessels, but constitutes only approximately 63% of the world tonnage involved. Adherence now by the United States would add sufficient tonnage to exceed the required 65% minimum and would cause the Convention to become effective 12 months after that adherence. On October 31, 1975, the Senate, by a unanimous vote of 94-0, gave its advice and consent to ratification of the Convention by the United States. Deposit of the United States instrument of ratification now awaits only the enactment of this necessary implementing legislation. The option is open, of course, not to enact implementing legislation and thereby avoid United States involvement. This possible option would not, however, prevent the Convention from going into effect if only one or two other nations decide to ratify and increase the affected tonnage to the required minimum. In that event, the Convention would go into effect without United States involvement and would result in the chaotic condition that United States vessels on the high seas would be following one set of rules while vessels of the signatory nations would be following another. The exercise of such an option is not considered to be a rational alternative to any minor objections to Convention requirements.

GENERAL DISCUSSION

H.R. 5446, as introduced, proposed to change the concept in existing law in several important respects. First, it would have delegated to the Secretary of the Department in which the Coast Guard is operating, the authority to promulgate the regulations authorized by the Convention and would have further authorized him to place into effect by the regulatory process any future amendments to the International Regulations that might be adopted in IMCO, pursuant to the terms of the Convention and without any provision for further Congressional involvement in the matter. Furthermore, H.R. 5446, as introduced, provided, in relation to publication of the new regulations, only that the Secretary should publish and make them available to

the general public at a reasonable price. The only requirement as to publication in the Federal Register involved the publication of the effective date of the regulations. And finally, H.R. 5446, as introduced, provided for a civil penalty of not more than \$10,000 for each violation of any International Regulation or other Secretarial regulation promulgated under the Act. This proposed penalty is in contrast to present law which does not include any penalty sanction for violation of the International Rules.

Hearings on H.R. 5446 were held before the Subcommittee on Coast Guard and Navigation on July 31, 1975. Testimony was received from the United States Coast Guard, representing the Executive Department, and from representatives of the American Institute of Merchant Shipping, of the Maritime Law Association, of the Boating Industry Associations, and of the National Association of Engine and Boat Manufacturers. The Department of State forwarded a written report endorsing the legislation.

All witnesses appearing before the Subcommittee endorsed the passage of implementing legislation. However, the witnesses for the Boating Industry Associations and for the National Association of Engine and Boat Manufacturers voiced their concern as to the potential impact on the recreational boating industry should some of the technical requirements of the Regulations be rigidly enforced against small boats. The same concerns were expressed in letters addressed to the Subcommittee as to smaller fishing vessels. In both instances, it was pointed out that the proposed International Regulations were developed basically as a set of Rules for large commercial vessels and that automatic application of some of the technical requirements to small boats would be unreasonable and would result in costly changes of equipment.

This matter was discussed with Coast Guard representatives and, at the request of the Subcommittee, the Acting Commandant of the Coast Guard furnished a statement to the Subcommittee for inclusion in the hearing record which asserted that the flexibility available in the application of technical lighting requirements could, and would, be used by the Coast Guard to avoid any unreasonable impact on the small boat community. Admittedly, there are a few changes in the proposed Regulations from existing Rules which must be complied with. For instance, the new Regulations require that side lights on vessels between 12 and 20 meters (comparable to the present requirements for vessels between 40 and 65 feet) must have a visibility of two miles rather than the one mile under present Rules. In addition, a power-driven vessel when towing will be required to carry a yellow towing light, in addition to other required lights. In connection with vessels not under command or restricted in their ability to maneuver, the exemption from compliance for vessels under 65 feet in length has been changed to an exemption for vessels of less than seven meters (23 feet in length). On the other hand, in relation to anchored vessels and vessels aground, the new Regulations provide for a similar exemption for vessels under 23 feet in length, where no such exemption exists in the present Rules. Finally, there could be a potential problem for some vessels, the length of which are critically close to the arbitrary divid-

ing line requirements (26 feet, 40 feet, 65 feet, and 150 feet), in the change of Convention requirements to metric rather than the present Rules which speak in terms of measure by feet. This latter potentiality is avoided, however, by a provision in the new Regulations which exempts existing vessels which are in compliance with the present Rules from repositioning their lights as a result of conversion from Imperial to metric units.

As to the other changes, existing vessels are exempted from compliance with the requirements of light ranges until four years after the Convention goes into effect (five years after the requisite number of ratifications are deposited). With regard to the new towing light requirement, some change appears necessary in order not to create obstacles, particularly to smaller vessels, that might desire to undertake a temporary tow in order to assist another vessel in distress. Furthermore, consideration should be given to the possibility of any hardship resulting from a change in the exemption requirements relating to the lighting of vessels not under command or restricted in their ability to maneuver. Under the amendment procedures for the Convention, consideration and possible amendments of these requirements should be handled expeditiously.

Further concerns relating to the smaller vessels involve the new technical annexes accompanying the Rules which specify in some detail color specifications and intensity of lights, as well as limitations on light "spill over". It is the intention of the Coast Guard, with the firm concurrence of this Committee, to apply the term "practical cutoff", as contained in the Convention, in a manner which will produce the least impact possible on smaller vessels. The Committee does not concur with an alternative suggestion which was made during the course of the hearings to the effect that the word "lanterns" in Paragraph 13 of Annex I could be construed as meaning "lights" and would thereby provide flexibility in the requirements of the respective signatory States. Such a construction of the term "lanterns" is not considered permissible, in the opinion of the Committee, nor in the opinion of the Coast Guard, since the term "lanterns" as used in several places in the Rules obviously refers to a piece of equipment other than a light, as for instance, in Rule 21(b), as well as in Paragraphs 2(h) and 5 of Annex I.

The Committee expects the Secretary to utilize his authority under section 8, consistent with the flexibility contained in the Convention and in accordance with overall safety needs, to resolve any problems that may face smaller vessels from a rigid application of all the Convention requirements. To the extent that recreational vessels are involved, the Committee also expects the Secretary, in those Regulations, to reflect the policy contained in the Federal Boat Safety Act of 1971, particularly as it relates to the regulations and standards prescribed under sections 5 and 6 of that Act. Finally, the Committee expects the Secretary to develop the section 8 regulations in an expeditious manner, so that they may be in place as early as possible and well in advance of the date on which the Convention will enter into force for the United States.

CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

The Convention, as signed on October 20, 1972, and as rectified on December 1, 1973, together with the International Regulations attached thereto are as follows:

CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

The Parties to the present Convention,
Desiring to maintain a high level of safety at sea,
Mindful of the need to revise and bring up to date the International Regulations for Preventing Collisions at Sea annexed to the Final Act of the International Conference on Safety of Life at Sea, 1960,
Having considered those Regulations in the light of developments since they were approved,
Have agreed as follows:

ARTICLE I

General Obligations

The Parties to the present Convention undertake to give effect to the Rules and other Annexes constituting the International Regulations for Preventing Collisions at Sea, 1972, (hereinafter referred to as "the Regulations") attached hereto.

ARTICLE II

Signature, Ratification, Acceptance, Approval and Accession

1. The present Convention shall remain open for signature until 1 June 1973 and shall thereafter remain open for accession.

2. States Members of the United Nations, or of any of the Specialized Agencies, or the International Atomic Energy Agency, or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval;
 or

(c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") which

shall inform the Governments of States that have signed or acceded to the present Convention of the deposit of each instrument and of the date of its deposit.

ARTICLE III

Territorial Application

1. The United Nations in cases where they are the administering authority for a territory or any Contracting Party responsible for the international relations of a territory may at any time by notification in writing to the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General"), extend the application of this Convention to such a territory.

2. The present Convention shall, upon the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. Any notification made in accordance with paragraph 1 of this Article may be withdrawn in respect of any territory mentioned in that notification and the extension of this Convention to that territory shall cease to apply after one year or such longer period as may be specified at the time of the withdrawal.

4. The Secretary-General shall inform all Contracting Parties of the notification of any extension or withdrawal of any extension communicated under this Article.

ARTICLE IV

Entry into force

1. (a) The present Convention shall enter into force twelve months after the date on which at least 15 States, the aggregate of whose merchant fleets constitutes not less than 65 per cent by number or by tonnage of the world fleet of vessels of 100 gross tons and over have become Parties to it, whichever is achieved first.

(b) Notwithstanding the provisions in subparagraph (a) of this paragraph, the present Convention shall not enter into force before 1 January 1976.

2. Entry into force for States which ratify, accept, approve or accede to this Convention in accordance with Article II after the conditions prescribed in subparagraph 1(a) have been met and before the Convention enters into force, shall be on the date of entry into force of the Convention.

3. Entry into force for States which ratify, accept, approve or accede after the date on which this Convention enters into force, shall be on the date of deposit of an instrument in accordance with Article II.

4. After the date of entry into force of an amendment to this Convention in accordance with paragraph 4 of Article

VI, any ratification, acceptance, approval or accession shall apply to the Convention as amended.

5. On the date of entry into force of this Convention, the Regulations replace and abrogate the International Regulations for Preventing Collisions at Sea, 1960.

6. The Secretary-General shall inform the Governments of States that have signed or acceded to this Convention of the date of its entry into force.

ARTICLE V

Revision Conference

1. A Conference for the purpose of revising this Convention or the Regulations or both may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting Parties for the purpose of revising this Convention or the Regulations or both at the request of not less than one-third of the Contracting Parties.

ARTICLE VI

Amendments to the Regulations

1. Any amendment to the Regulations proposed by a Contracting Party shall be considered in the Organization at the request of that Party.

2. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organization, such amendment shall be communicated to all Contracting Parties and Members of the Organization at least six months prior to its consideration by the Assembly of the Organization. Any Contracting Party which is not a Member of the Organization shall be entitled to participate when the amendment is considered by the Assembly.

3. If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

4. Such an amendment shall enter into force on a date to be determined by the Assembly at the time of its adoption unless, by a prior date determined by the Assembly at the same time, more than one-third of the Contracting Parties notify the Organization of their objection to the amendment. Determination by the Assembly of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.

5. On entry into force any amendment shall, for all Contracting Parties which have not objected to the amendment, replace and supersede any previous provision to which the amendment refers.

6. The Secretary-General shall inform all Contracting Parties and Members of the Organization of any request and communication under this Article and the date on which any amendment enters into force.

ARTICLE VII

Denunciation

1. The present Convention may be denounced by a Contracting Party at any time after the expiry of five years from the date on which the Convention entered into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Organization. The Secretary-General shall inform all other Contracting Parties of the receipt of the instrument of denunciation and of the date of its deposit.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument, after its deposit.

ARTICLE VIII

Deposit and Registration

1. The present Convention and the Regulations shall be deposited with the Organization, and the Secretary-General shall transmit certified true copies thereof to all Governments of States that have signed this Convention or acceded to it.

2. When the present Convention enters into force, the text shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE IX

Languages

The present Convention is established, together with the Regulations, in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE AT LONDON this twentieth day of October one thousand nine hundred and seventy-two.

PROCES-VERBAL OF RECTIFICATION

Whereas a Convention on the International Relations for Preventing Collisions at Sea was done at London on 20

October 1972 and is deposited with the Inter-Governmental Maritime Consultative Organization; and

Whereas certain errors in English and in French have been discovered in the original signed copy of the said Convention and brought to the notice of the interested Governments; and

Whereas no objection to the correction of these errors having been raised by any of the Governments which were represented at the International conference on Revision of the International Regulations for Preventing Collisions at Sea, 1972, which adopted the Convention, the said errors should be corrected as indicated hereunder:

* * * * *

Now, therefore, I the undersigned, Colin Goad, Secretary-General of the Inter-Governmental Maritime Consultative Organization, acting for the depositary of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, have caused the original text of the Convention to be modified by the corrections indicated above, and initialled in the margin thereof.

In witness whereof, I have signed the present Procès-Verbal at the Headquarters of the Organization this first day of December 1973, in the English and French languages, in a single copy which shall be kept in the archives of the Organization with the original signed copy of the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

A certified copy of this Procès-Verbal shall be communicated to each Government which has signed or acceded to the aforementioned Convention.

COLIN GOAD.

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

(As rectified by Procès-Verbal of December 1, 1973)

PART A—GENERAL

RULE 1

Application

(a) These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels.

(b) Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, bays, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Such special rules shall conform as closely as possible to these Rules.

(c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any State with respect to additional station or signal lights or whistle signals for ships of

war and vessels proceeding under convoy, or with respect to additional station or signal lights for fishing vessels engaged in fishing as fleet. These additional station or signal lights or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light or signal authorized elsewhere under these Rules.

(d) Traffic separation schemes may be adopted by the Organization for the purpose of these Rules.

(e) Whenever the Government concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, as her Government shall have determined to be the closest possible compliance with these Rules in respect to that vessel.

RULE 2

Responsibility

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

RULE 3

General Definitions

For the purpose of these Rules, except where the context otherwise requires:

(a) The word "vessel" includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(b) The term "power-driven vessel" means any vessel propelled by machinery.

(c) The term "sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

(d) The term "vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus

which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.

(e) The word "seaplane" includes any aircraft designed to manoeuvre on the water.

(f) The term "vessel not under command" means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.

(g) The term "vessel restricted in her ability to manoeuvre" means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.

The following vessels shall be regarded as vessels restricted in their ability to manoeuvre:

(i) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;

(ii) a vessel engaged in dredging, surveying or underwater operations;

(iii) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway;

(iv) a vessel engaged in the launching or recovery of aircraft;

(v) a vessel engaged in minesweeping operations;

(vi) a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The term "vessel constrained by her draught" means a power-driven vessel which because of her draught in relation to the available depth of water is severely restricted in her ability to deviate from the course she is following.

(i) The word "underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

(j) The words "length" and "breadth" of a vessel mean her length overall and greatest breadth.

(k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

(l) The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

PART B—STEERING AND SAILING RULES

SECTION I—CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

RULE 4

Application

Rules in this Section apply in any condition of visibility.

RULE 5

Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

RULE 6

Safe speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

- (a) By all vessels:
 - (i) the state of visibility;
 - (ii) the traffic density including concentrations of fishing vessels or any other vessels;
 - (iii) the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
 - (iv) at night the presence of background light such as from shore lights or from back scatter of her own lights;
 - (v) the state of wind, sea and current, and the proximity of navigational hazards;
 - (vi) the draught in relation to the available depth of water.
- (b) Additionally, by vessels with operational radar:
 - (i) the characteristics, efficiency and limitations of the radar equipment;
 - (ii) any constraints imposed by the radar range scale in use;
 - (iii) the effect on radar detection of the sea state, weather and other sources of interference;
 - (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;
 - (v) the number, location and movement of vessels detected by radar;
 - (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

RULE 7

Risk of Collision

- (a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine

if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

RULE 8

Action to avoid collision

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alteration of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

RULE 9

Narrow channels

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.

(e) (i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) (i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34(c) (ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34(d).

(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f) A vessel nearing a bend or an area of narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

RULE 10

Traffic separation schemes

(a) This Rule applies to traffic separation schemes adopted by the Organization.

(b) A vessel using a traffic separation scheme shall:

(i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) so far as practicable keep clear of a traffic separation line or separation zone;

(iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from the side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.

(d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme.

(e) A vessel, other than a crossing vessel, shall not normally enter a separation zone or cross a separation line except:

(i) in cases of emergency to avoid immediate danger;

(ii) to engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

SECTION II—CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

RULE 11

Application

Rules in this Section apply to vessels in sight of one another.

RULE 12

Sailing vessels

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) when both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the main-sail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

RULE 13

Overtaking

(a) Notwithstanding anything contained in the Rules of this Section any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

RULE 14

Head-on situation

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

RULE 15

Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

RULE 16

Action by give-way vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

RULE 17

Action by stand-on vessel

(a) (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with sub-paragraph (a) (ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

RULE 18

Responsibilities between vessels

Except where Rules 9, 10 and 13 otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) a vessel not under command;
- (ii) a vessel restricted in her ability to manoeuvre;
- (iii) a vessel engaged in fishing;
- (iv) a sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) a vessel not under command;
- (ii) a vessel restricted in her ability to manoeuvre;
- (iii) a vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) a vessel not under command;
- (ii) a vessel restricted in her ability to manoeuvre.

(d) (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.

(ii) A vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.

SECTION III—CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

RULE 19

Conduct of vessels in restricted visibility

(a) This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Rules of Section I of this Part.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) an alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

PART C—LIGHTS AND SHAPES

RULE 20

Application

(a) Rules in this Part shall be complied with in all weathers.

(b) The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The Rules concerning shapes shall be complied with by day.

(e) The lights and shapes specified in these Rules shall comply with the provisions of Annex I to these Regulations.

RULE 21

Definitions

(a) "Masthead light" means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.

(c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) "Towing light" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this Rule.

(e) "All round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f) "Flashing light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

RULE 22

Visibility of Lights

The lights prescribed in these Rules shall have an intensity as specified in Section 8 of Annex I to these Regulations so as to be visible at the following minimum ranges:

(a) In vessels of 50 metres or more in length:

a masthead light, 6 miles;

a sidelight, 3 miles;

a sternlight, 3 miles;

a towing light, 3 miles;

a white, red, green or yellow all-round light, 3 miles.

(b) In vessels of 12 metres or more in length but less than 50 metres in length:

a masthead light, 5 miles; except that where the length of the vessel is less than 20 metres, 3 miles;

a sidelight, 2 miles;

a sternlight, 2 miles;

a towing light, 2 miles;

- a white, red, green or yellow all-round light, 2 miles.
- (c) In vessels of less than 12 metres in length:
- a masthead light, 2 miles;
 - a sidelight, 1 mile;
 - a sternlight, 2 miles;
 - a towing light, 2 miles;
 - a white, red, green or yellow all-round light, 2 miles.

RULE 23

POWER-DRIVEN VESSELS UNDERWAY

- (a) A power-driven vessel underway shall exhibit:
- (i) a masthead light forward;
 - (ii) a second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;
 - (iii) sidelights;
 - (iv) a sternlight.
- (b) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light.
- (c) A power-driven vessel of less than 7 metres in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this Rule, exhibit an all-round white light. Such vessel shall, if practicable, also exhibit sidelights.

RULE 24

TOWING AND PUSHING

- (a) A power-driven vessel when towing shall exhibit:
- (i) instead of the light prescribed in Rule 23(a)(i), two masthead lights forward in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;
 - (ii) sidelights;
 - (iii) a sternlight;
 - (iv) a towing light in a vertical line above the sternlight;
 - (v) when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.
- (b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Rule 23.

- (c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:
- (i) instead of the light prescribed in Rule 23(a)(i), two masthead lights forward in a vertical line;
 - (ii) sidelights;
 - (iii) a sternlight.
- (d) A power-driven vessel to which paragraphs (a) and (c) of this Rule apply shall also comply with Rule 23(a)(ii).
- (e) A vessel or object being towed shall exhibit:
- (i) sidelights;
 - (ii) a sternlight;
 - (iii) when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.
- (f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel,
- (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;
 - (ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.
- (g) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in paragraph (e) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

RULE 25

Sailing vessels underway and vessels under oars

- (a) A sailing vessel underway shall exhibit:
- (i) sidelights;
 - (ii) a sternlight.
- (b) In a sailing vessel of less than 12 metres in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.
- (c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.
- (d) (i) A sailing vessel of less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

RULE 26

Fishing vessels

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(i) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length shall not be obliged to exhibit such a light but may do so;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit:

(i) two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals described in Annex II to these Regulations.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

RULE 27

Vessels not under command or restricted in their ability to manoeuvre

(a) A vessel not under command shall exhibit:

(i) two all-round red lights in a vertical line where they can best be seen;

(ii) two balls or similar shapes in a vertical line where they can best be seen;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in minesweeping operations, shall exhibit:

(i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(iii) when making way through the water, masthead lights, sidelights and a sternlight, in addition to the lights prescribed in subparagraph (i);

(iv) when at anchor, in addition to the lights or shapes prescribed in sub-paragraphs (i) and (ii), the light, lights or shape prescribed in Rule 30.

(c) A vessel engaged in a towing operation such as renders her unable to deviate from her course shall, in addition to the lights or shapes prescribed in subparagraph (b) (i) and (ii) of this Rule, exhibit the lights or shape prescribed in Rule 24(a).

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in paragraph (b) of this Rule and shall in addition, when an obstruction exists, exhibit:

(i) two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, masthead lights, sidelights and a sternlight;

(iv) a vessel to which this paragraph applies when at anchor shall exhibit the lights or shapes prescribed in subparagraphs (i) and (ii) instead of the lights or shape prescribed in Rule 30.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit the shapes prescribed in para-

graph (d) of this Rule, a rigid replica of the International Code flag "A" not less than 1 metre in height shall be exhibited. Measures shall be taken to ensure all-round visibility.

(f) A vessel engaged in minesweeping operations shall, in addition to the lights prescribed for a power-driven vessel in Rule 23, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited at or near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach closer than 1,000 metres astern or 500 metres on either side of the minesweeper.

(g) Vessels of less than 7 metres in length shall not be required to exhibit the lights prescribed in this Rule.

(h) The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations.

RULE 28

Vessels constrained by their draught

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Rule 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

RULE 29

Pilot vessels

(a) A vessel engaged on pilotage duty shall exhibit:

(i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) when underway, in addition, sidelights and a sternlight;

(iii) when at anchor, in addition to the lights prescribed in sub-paragraph (i), the anchor light, lights or shape.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

RULE 30

Anchored vessels and vessels aground

(a) A vessel at anchor shall exhibit where it can best be seen:

(i) in the fore part, an all-round white light or one ball;

(ii) at or near the stern and at a lower level than the light prescribed in sub-paragraph (i), an all-round white light.

(b) A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.

(c) A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, where they can best be seen:

(i) two all-round red lights in a vertical line;

(ii) three balls in a vertical line.

(e) A vessel of less than 7 metres in length, when at anchor or aground, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shapes prescribed in paragraphs (a), (b) or (d) of this Rule.

RULE 31

Seaplanes

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

PART D—SOUND AND LIGHT SIGNALS

RULE 32

Definitions

(a) The word "whistle" means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these Regulations.

(b) The term "short blast" means a blast of about one second's duration.

(c) The term "prolonged blast" means a blast of from four to six seconds' duration.

RULE 33

Equipment for sound signals

(a) A vessel of 12 metres or more in length shall be provided with a whistle and a bell and a vessel of 100 metres or more in length shall, in addition, be provided with a gong. The tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the required signals shall always be possible.

(b) A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

Manoeuvring and warning signals

(a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:

- one short blast to mean "I am altering my course to starboard";
- two short blasts to mean "I am operating my course to port";
- three short blasts to mean "I am operating astern propulsion".

(b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

(i) these light signals shall have the following significance:

- one flash to mean "I am altering my course to starboard";
- two flashes to mean "I am altering my course to port";
- three flashes to mean "I am operating astern propulsion";

(ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) the light used for this signal shall, if fitted, be an all-around white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I.

(c) When in sight of one another in a narrow channel or fairway:

(i) a vessel intending to overtake another shall in compliance with Rule 9(e) (i) indicate her intention by the following signals on her whistle:

- two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
- two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".

(ii) the vessel about to be overtaken when acting in accordance with Rule 9(e) (i) shall indicate her agreement by the following signal on her whistle:

- one prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid

collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

RULE 35

Sound signals in restricted visibility

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.

(f) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may

in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (f) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (f) of this Rule sound an identity signal consisting of four short blasts.

RULE 36

Signals to attract attention

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

RULE 37

Distress signals

When a vessel is in distress and requires assistance she shall use or exhibit the signals prescribed in Annex IV to these Regulations.

PART E—EXEMPTIONS

RULE 38

Exemptions

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of these Regulations may be exempted from compliance therewith as follows:

(a) The installation of lights with ranges prescribed in Rule 22, until four years after the date of entry into force of these Regulations.

(b) The installation of lights with colour specifications as prescribed in Section 7 of Annex I to these Regulations, until four years after the date of entry into force of these Regulations.

(c) The repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures, permanent exemption.

(d) (i) The repositioning of masthead lights on vessels of less than 150 metres in length, resulting from the prescriptions of Section 3(a) of Annex I, permanent exemption.

(ii) The repositioning of masthead lights on vessels of 150 metres or more in length, resulting from the prescriptions of Section 3(a) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.

(e) The repositioning of masthead lights resulting from the prescriptions of Section 2(b) of Annex I, until nine years after the date of entry into force of these Regulations.

(f) The repositioning of sidelights resulting from the prescriptions of Sections 2(g) and 3(b) of Annex I, until nine years after the date of entry into force of these Regulations.

(g) The requirements for sound signal appliances prescribed in Annex III, until nine years after the date of entry into force of these Regulations.

ANNEX I

POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

1. *Definition—*

The term "height above the hull" means height above the uppermost continuous deck.

2. *Vertical positioning and spacing of lights—*

(a) On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:

(i) the forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, and, if the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;

(ii) when two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

(b) The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 metres from the stem when viewed from sea level.

(c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

(d) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. When however a masthead light is carried in addition to sidelights and a sternlight, then such masthead light shall be carried at least 1 metre higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as the forward masthead light of a power-driven vessel.

(f) In all circumstances the masthead light or lights shall be so placed as to be above and clear of all other lights and obstructions.

(g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(i) on a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, not be less than 4 metres above the hull;

(ii) on a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, not be less than 2 metres above the gunwale;

(iii) when three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a fishing vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light, when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length this forward anchor light shall not be less than 6 metres above the hull.

3. *Horizontal positioning and spacing of lights.—*

(a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

(b) On a vessel of 20 metres or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

4. *Details of location of direction-indicating lights for fishing vessels, dredging and vessels engaged in underwater operations—*

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26(c) (ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26(c) (i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27(d) (i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Rule 27(b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27(b) (i) and (ii).

5. *Screens for sidelights—*

The sidelights shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. *Shapes—*

(a) Shapes shall be black and of the following sizes:

(i) a ball shall have a diameter of not less than 0.6 metre;

(ii) a cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;

(iii) a cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;

(iv) a diamond shape shall consist of two cones as defined in (ii) above having a common base.

(b) The vertical distance between shapes shall be at least 1.5 metre.

(c) In a vessel of less than 20 metres in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7. *Colour specification of lights—*

The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner co-ordinates, which are as follows:

(i) *White*

x	0.525	0.525	0.452	0.310	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382

(ii) *Green*

x	0.028	0.009	0.300	0.203
y	0.385	0.723	0.511	0.356

(iii) <i>Red</i>	x	0.680	0.660	0.735	0.721
	y	0.320	0.320	0.264	0.259
(iv) <i>Yellow</i>	x	0.612	0.618	0.575	0.575
	y	0.382	0.382	0.425	0.406

8. Intensity of lights—

(a) the minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

where I is luminous intensity in candelas under service conditions.

- T is threshold factor 2×10^{-7} lux,
 D is range of visibility (luminous range) of light in nautical miles,
 K is atmospheric transmissivity.
 For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in the following table:

Range of visibility (luminous range) of light in nautical miles D	Luminous intensity of light in candelas for K=0.8 I
1	0.9
2	4.3
3	12
4	27
5	52
6	94

NOTE.—The maximum luminous intensity of navigation lights should be limited to avoid undue glare.

9. Horizontal Sectors—

(a) (i) In the forward direction, sidelights as fitted on the vessel must show the minimum required intensities. The intensities must decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.

(ii) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed limits.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights, which need not be placed at an impracticable height above the hull.

10. Vertical Sectors—

(a) The vertical sectors of electric lights, with the exception of lights on sailing vessels shall ensure that:

(i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels the vertical sectors of electric lights shall ensure that:

(i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of lights other than electric these specifications shall be met as closely as possible.

11. Intensity of non-electric lights—

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8 of this Annex.

12. Manoeuvring light—

Notwithstanding the provisions of paragraph 2(f) of this Annex the manoeuvring light described in Rule 34(b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that it shall be carried not less than 2 metres vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13. Approval—

The construction of lanterns and shapes and the installation of lanterns on board the vessel shall be to the satisfaction of the appropriate authority of the State where the vessel is registered.

ANNEX II

ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

1. General—

The lights mentioned herein shall, if exhibited in pursuance of Rule 26(d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Rule 26(b)(i) and (c)(i). The lights

shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

2. Signals for Trawlers—

(a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

- (i) when shooting their nets: two white lights in a vertical line;
- (ii) when hauling their nets: one white light over one red light in a vertical line;
- (iii) when the net has come fast upon an obstruction: two red lights in a vertical line.

(b) Each vessel engaged in pair trawling may exhibit:

- (i) by night, a searchlight directed forward and in the direction of the other vessel of the pair;
- (ii) when shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2(a) above.

3. Signals for purse seiners—

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

ANNEX III

TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

1. Whistles—

(a) *Frequencies and range of audibility.*—The fundamental frequency of the signal shall lie within the range 70–700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180–700 Hz (± 1 per cent) and which provide the sound pressure levels specified in paragraph 1(c) below.

(b) *Limits of fundamental frequencies.*—To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

- (i) 70–200 Hz, for a vessel 200 metres or more in length;
- 130–350 Hz, for a vessel 75 metres but less than 200 metres in length;
- (iii) 250–700 Hz, for a vessel less than 75 metres in length.

(c) *Sound signal intensity and range of audibility.*—A whistle fitted in a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre

from it, a sound pressure level in at least one $\frac{1}{3}$ -octave band within the range of frequencies 180–700 Hz (± 1 per cent) of not less than the appropriate figure given in the table below.

Length of vessel in meters	$\frac{1}{3}$ -octave band level at 1 meter in dB referred to 2×10^{-5} N/m ²	Audibility range in nautical miles
200 or more.....	153	2.0
75 but less than 200.....	138	1.5
20 but less than 75.....	130	1.0
Less than 20.....	120	.5

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 per cent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63 dB in the octave band centred on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

(d) *Directional properties.*—The sound pressure level of a directional whistle shall not be more than 4 dB below the sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the ground pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that $\frac{1}{3}$ -octave band which determines the audibility range.

(e) *Positioning of whistles.*—When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

(f) *Fitting of more than one whistle.*—If whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

(g) *Combined whistle systems.*—If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1(f) above is likely to have a zone of greatly reduced signal level, it is recommended

that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10 Hz.

2. Bell or gong—

(a) *Intensity of signal.*—A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 metre.

(b) *Construction.*—Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 metres in length, and shall be not less than 200 mm for vessels of 12 to 20 metres in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 per cent of the mass of the bell.

3. Approval—

The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State where the vessel is registered.

ANNEX IV

DISTRESS SIGNALS

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

(a) a gun or other explosive signal fired at intervals of about a minute;

(b) a continuous sounding with any fog-signalling apparatus;

(c) rockets or shells, throwing red stars fired one at a time at short intervals;

(d) a signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . (SOS) in the Morse Code;

(e) a signal sent by radiotelephony consisting of the spoken word "Mayday";

(f) the International Code Signal of distress indicated by N.C.;

(g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(h) flames on the vessel (as from a burning tar barrel, oil barrel, etc.)

(i) a rocket parachute flare or a hand flare showing a red light;

(j) a smoke signal giving off orange-coloured smoke;
(k) slowly and repeatedly raising and lowering arms outstretched to each side;

(l) the radiotelegraph alarm signal;

(m) the radiotelephone alarm signal;

(n) signals transmitted by emergency position—indicating radio beacons.

2. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(b) a dye marker.

REGULATION CHANGES

While the new International Regulations substantially amend the exact language of the present International Rules, many of the changes involve rearrangement and clarification of language, with the intention that they will be much easier to understand and to follow. In addition, of course, new requirements are reflected in the Regulations relating to changes in technology and the operations of vessels since the Rules were last revised. There is, for instance, a new regulation (Rule 9) applicable to narrow channels or fairways, in recognition of the needs of deeper draft vessels which cannot operate outside those channels or fairways. There is a new regulation (Rule 10) pertaining to adherence of traffic separation schemes which have developed in the international community to insure safer traffic patterns in areas of high shipping density, including the approaches to many harbors. There is a new regulation (Rule 28) recognizing the limitations on maneuverability due to the available depth of water. There is a new regulation (Rule 18) which specifically establishes priority rights as among classes of vessels, based primarily upon their operating capabilities under the circumstances. There is an expansion of the regulation pertaining to safe speed (Rule 6), extending its applicability to all conditions of visibility, rather than to restricted visibility only. There are specific regulations (Rule 6) related to the operation of vessels with radar, previously a recommendation, rather than a requirement. There is a more meaningful broadening of responsibility in connection with vessels in crossing situations (Rules 15-17), permitting both vessels to take early action to avoid the development of dangerous situations. There is now a specific requirement (Rule 5) for the maintenance of a proper lookout, rather than leaving such a requirement to the ordinary precaution of a responsible mariner.

As to those regulations concerning lights and shapes (Rules 20-31), there has been substantial restructuring, although specific requirements

have been little affected. For the first time, measurements are given in meters rather than in feet, although the dividing lines on requirements because of length remain substantially identical within the framework of the new measurement. Also, for the first time, the regulations contain technical annexes as to the construction, placement, and use of lights, shapes and signaling appliances. These annexes make more certain that the equipment required will be capable of meeting the requirements of the Rules. Finally, there is Rule 38, which exempts existing vessels, for varying periods of time, from coming into compliance with various changes. These exemption provisions substantially ameliorate the potential effect of the new Regulations on existing vessels, without sacrificing safety needs.

COMMITTEE ACTION

The Committee adopted an amendment to the bill, as introduced, to revise certain features which it found objectionable and to provide for other features which were considered necessary, but were not contained in the original proposal. Rather than delegating the authority to promulgate the Regulations to the Secretary of the Department in which the Coast Guard is operating, the amended language delegates that authority to the President.

It further contains language as to the specific requirements of proclamation and details the procedures in its promulgation, including a requirement that the proclaimed Regulations should be published in the Federal Register. By this latter provision, it insures that the public will be given adequate legal notice of the contents of the Regulations with which compliance will be a required. The reported bill also authorizes the President to proclaim future amendments to the International Regulations which might be adopted in accordance with the provisions of the Convention. In this respect, however, it insures that the Congress will be consulted and will have an opportunity to review any such proposed amendments by requiring the President to submit any such proposals to the Congress and further provides that a resolution of disapproval by either House will constitute a United States objection to the proposed amendment, if such is the decision of either House. Finally, it delineates in somewhat more specific language the special rules which the United States might desire to promulgate, consistent with the provisions of the Convention. Finally, it provides for civil penalties against individuals and against vessels for violation of the requirements of the Act or of Regulations promulgated pursuant thereto. The amount of the penalty, however, is substantially less than the penalty proposed in the bill, as introduced, and instead was adopted on the same level as existing penalties in law relating to violations of the various navigational rules applicable to the internal waters of the United States. At such time as those rules may be unified and increased penalties authorized, the Committee anticipates that the penalties under this Act would be correspondingly increased. These new penalties are a change from present law in that violations of existing International Rules do not carry any penalty sanction.

The Subcommittee on Coast Guard and Navigation considered the bill in mark-up on September 24, 1975, and January 28, 1976, and on the latter date unanimously recommended its enactment with the amendatory language described above. The Committee on Merchant Marine and Fisheries considered the bill in mark-up on March 4, 1976, and unanimously endorsed the action of the Subcommittee, with minor revisions of language. With those changes incorporated, the Committee on Merchant Marine and Fisheries, by voice vote, unanimously ordered the bill reported.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section provides for a short title descriptive of the purposes of the Act.

SECTION 2

This section provides for two important definitions. The definition of "vessel" differs from the ordinary meaning of the word by specifically including nondisplacement craft and seaplanes, consistent with the meaning in the International Regulations. The definition for "high seas" is similar to the definition contained in the Convention on the High Seas, 1958, to which the United States is signatory.

SECTION 3

This section authorizes the President to proclaim the International Regulations for Preventing Collisions at Sea, 1972, as attached to the Convention signed in London on October 20, 1972, and as rectified by a Proces-Verbal, dated December 1, 1973, which corrected certain minor errors in the Regulations as attached to the Convention. The section further specifies the manner in which the International Regulations will become effective for the United States, and requires that the Regulations shall be published in the Federal Register.

The latter requirement provides for the necessary legal notice to citizens affected by the Regulations, and is a substitute for the format under present law, which contains the specific regulations in the statute itself. The reason for this change is based upon provisions of the Convention which authorize an expeditious manner of amendment. In anticipation that it will be necessary periodically to bring the Regulations up to date, the Convention provides that amendments may be adopted by procedures in the Inter-Governmental Maritime Consultative Organization, which will serve as depositary for the Convention. Proposed amendments, if adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organization, will be communicated to contracting parties and all members of the Organization at least six months prior to consideration by the Organization Assembly. If thereafter adopted by a two-thirds majority of those present and voting in the Assembly,

the proposed amendment will be communicated to all contracting parties for their acceptance, and such amendment will thereafter enter into force, at a specified date, for all contracting parties who have not objected after receiving notification of the Assembly action. This amendment process, rather than resort to convened Inter-Governmental Conferences, should be a material improvement for keeping International Regulations up to date and reflective of changing needs. This improvement could not be completely effective for the United States if the Regulations themselves appeared in the statute, requiring new amendatory legislation each time an amendment acceptable to the United States is adopted.

Furthermore, on occasion, the legislative process might be unable to meet established effective dates and for a period of hiatus, United States vessels might be operating under one type of Regulation while other vessels on the high seas were operating under a new requirement. There is a need, however, for the Congress to retain its involvement in this area which will have direct impact upon United States vessels. The section, therefore, authorizes the President to proclaim future amendments adopted pursuant to the Convention procedures, but it requires the President to notify the Congress of any proposed amendments, and enables the Congress, by a disapproval resolution, to prevent any such proposed amendment from entering into force for the United States, in the event that either House decides that such a disapproval resolution is appropriate. The section further provides that a resolution of disapproval adopted by either House will constitute an objection by the United States, and requires the President to notify the depositary organization of such objection, if he has not already done so upon receiving notification of the resolution of disapproval. Under the provisions of the Convention, the objection will prevent the proposed amendment from entering into force for the United States. Since the proposed amendments will generally consist of technical improvements to the International Regulations, it is not anticipated that the procedure for resolutions of disapproval are likely to be resorted to. Nevertheless, there are provisions in the Regulations which could, if changed, have major impact on other statutes, such as Rule 1, which recognizes the right of signatories to issue certain special rules as are involved in section 5, 6, and 7 of this legislation. Changes of such a basic nature could not be considered acceptable without further legislative action.

SECTION 4

This section provides that, with certain exceptions, and subject to certain qualifying provisions, the proclaimed International Regulations shall be complied with by all United States vessels, public and private, while those vessels are operating upon the high seas or in waters, navigable by seagoing vessels, connected to the high seas. It further requires all vessels other than vessels of the United States, also with certain exceptions, to comply with the International Regulations when on waters subject to the jurisdiction of the United States.

SECTION 5

This section, consistent with the provisions of Rule 1(b) of the International Regulations makes the International Regulations, inapplicable to United States waters where other specific statutory rules apply, the so-called Inland Rules, the Great Lakes Rules, and Western Rivers Rules. This exception removes from the applicability of the International Regulations all internal waters of the United States, as well as certain parts of the territorial seas, such as harbor approaches which are made subject to the Inland Rules by virtue of the dividing lines established pursuant to the Act of February 19, 1985, as amended (33 U.S.C. 151). Under the provisions of this section, the only United States "waters connected therewith navigable by seagoing vessels" and the only "waters subject to the jurisdiction of the United States", as provided for in section 4, where the International Regulations will apply are those parts of the United States territorial seas not specifically covered by existing United States statutory rules.

As to the applicability of the International Regulations to United States vessels operating in the territorial waters of a foreign State, where those territorial waters are "waters connected therewith navigable by seagoing vessels", the section requires United States vessels to comply with the International Regulations in all cases where the foreign State involved has not exercised its recognized right to promulgate rules different from the International Regulations. This provision is applicable in territory waters of signatories to the Convention, as well as in the territorial waters of foreign States which are not signatories to the Convention, and a failure by a United States vessel to comply with subsection (b) of section 5 constitutes a violation of this Act.

SECTION 6

This section authorizes the Secretary of the Navy, for vessels of the Navy, or the Secretary of the Department in which the Coast Guard is operating, for any other vessel of the United States, to issue certification that particular vessels cannot comply fully with certain requirements of the International Regulations without interfering with the special function of the vessel involved. The section further requires the Secretary involved to certify the extent of closest possible compliance by the vessel and requires the vessel to so comply with the International Regulations. This section is consistent with the provisions of Rule 1(e) of the International Regulations. Certifications issued pursuant to the section must be published in the Federal Register.

SECTION 7

This section authorizes the Secretary of the Navy to promulgate special rules for additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and authorizes the Secretary of the Department in which the Coast Guard is operating to promulgate special rules for additional station or signal lights for

fishing vessels engaged in fishing as a fleet. Such special rules are recognized by the provisions of Rule 1(c) of the International Regulations. These special rules must be published in the Federal Register and under the terms of the section will become effective, and will be treated for the purposes of the Act, as if they were a part of the International Regulations. Violations of such special rules will, therefore, constitute a violation of the Act, consistent with the compliance requirements of section 4. Since section 4 requires compliance by all vessels of the United States, a violation of this section will occur for such vessels in accordance with the locale of the operation where the International Regulations are applicable. As to vessels other than United States vessels, operating in convoy subject to the special rules of the Secretary of the Navy or as a part of a fishing fleet subject to the special rules of the Secretary of the Department in which the Coast Guard is operating, they will not be in violation of this Act by not complying with the special rules of this section, except when they are in waters subject to the jurisdiction of the United States where the International Regulations are made applicable.

SECTION 8

This section authorizes the Secretary of the Department in which the Coast Guard is operating, to promulgate reasonable rules and regulations necessary to implement the Act and the proclaimed International Regulations. Such authorized rules and regulations are not likely to be extensively needed. However, they may well be necessary in definitions of terms and in the applicability of certain provisions of the International Regulations to certain classes of vessels where, under the terms of the International Regulations, there is permissible flexibility in such application. The rules and regulations promulgated under this section will, of course, be subject to the requirements of rule-making under the terms of the Administrative Procedures Act.

SECTION 9

This section provides for two separate civil penalties, each of not more than \$500, for the operation of a vessel, subject to the provisions of the Act, in violation of the Act or of the regulations promulgated pursuant to section 8. A violation of the International Regulations will constitute a violation of the Act when compliance with those International Regulations is required by the Act, such as in sections 4, 5, 6, and 7. Each of the penalties may be assessed by the Secretary of the Department in which the Coast Guard is operating, consistent with the authority and limitations in subsection (c).

One of the two penalties is assessable against the individual in charge of the vessel operation. This includes any individual operating a vessel which is subject to the provisions of this Act and is applicable to the operation of any United States vessel, whether public or private. It is not applicable to an individual operating a foreign public vessel which is entitled to sovereign immunity. A separate penalty is authorized against the vessel itself, which is subject to the provisions of the Act and is operated in violation thereof or in violation of an applicable

regulation promulgated pursuant to section 8. As to the vessels of the United States subject to the second penalty, public vessels are not included if, at the time of the violation, that vessel is being used for a noncommercial purpose. As to foreign vessels, the same exemption from penalty for public vessels not being used for noncommercial purposes is applicable, as well as the limitation that foreign vessels cannot be in violation of this Act or of the regulations issued pursuant thereto unless they are required to comply with the International Regulations pursuant to the provisions of section 4.

SECTION 10

This section provides that the existing statute related to international navigational rules, Public Law 88-131, is repealed, effective on the date proclaimed under section 3 for entry into force of the International Regulations proclaimed under this Act. The section also provides that references to the existing International Rules or to Public Law 88-131, shall, after the repeal of Public Law 88-131, be considered a reference to this Act or to the International Regulations to be proclaimed hereunder.

COST OF THE LEGISLATION

Pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates that there will be no cost attached to this legislation. Whatever administrative costs are involved should continue at the same level as the costs associated with the present law. Should there be minor additional costs associated with the administration of the penalty section, such costs should be more than offset by the amount of penalties received. The Committee received no different estimate of costs from any government agency.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of Rule XI of the Rules of the House of Representatives—

(A) No oversight hearings were held on the subject of this legislation;

(B) The provisions of section 308(a) of the Congressional Budget Act of 1972 is not applicable to this legislation;

(C) No estimate and comparison of costs has been received from the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974; and

(D) The Committee has received no report from the Committee on Government Operations of oversight findings and recommendations on the subject matter of this legislation, pursuant to Clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee finds that there is no potential inflationary impact associated with this legislation.

DEPARTMENTAL REPORTS

H.R. 5446 was the subject of an Executive Communication No. 498 from the Department of Transportation and a report from the Department of State. These documents follow herewith:

[Executive Communication No. 498]

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 3, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposed bill to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

This bill will implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the Convention), signed at London under date of October 20, 1972. The Convention revises and updates the International Regulations for Preventing Collisions at Sea, 1960, as annexed to the International Conference on Safety of Life at Sea, 1960.

Fifty-two Governments, including the United States, participated in the Conference which produced the Convention. The Conference made several important changes to the rules and developed annexes containing technical details.

Changes of particular significance to the mariner are those concerning sound signals, the conduct of vessels in or near an area of restricted visibility, and the operation of vessels in a narrow channel. New provisions have been added to the rules concerning vessels constrained by their draft and the conduct of vessels operating in or near a traffic separation scheme adopted by the Inter-Governmental Maritime Consultative Organization (IMCO). Additionally, the Convention has provided special lights for air-cushion vessels operating in the non-displacement mode, an additional light for vessels engaged in towing, and special lights and day signals for vessels engaged in dredging or underwater operations. Several new categories of vessels have been included within the term "vessel restricted in her ability to maneuver." Finally, a number of other less significant changes have been made to address problems which have developed since the adoption of the 1960 rules.

The maritime nations of the world through IMCO, have recognized the need for a procedure to allow the rapid amendment of international agreements in order to keep abreast of changes in the ever advancing field of marine transportation technology. Very large cargo carriers, hovercraft, and sophisticated tug-barges are examples of recent technological advances unforeseen in the development of the 1960 rules. Since 1948, rule changes have been occurring at 12 year intervals. The practice of calling a new IMCO conference to consider needed rule changes has proven insufficient to keep pace with technological advances. Article VI of the Convention addresses this problem by

adopting a rapid amendment procedure for future changes. This procedure will allow nations to introduce proposed amendments to the International Regulations for Preventing Collisions at Sea, 1972, through the Maritime Safety Committee of IMCO. If adopted by that committee, the proposed amendments would then be presented to the Assembly of IMCO, and if adopted by a two-thirds majority of the Assembly, the proposed amendments would be communicated to the Contracting Parties for their acceptance. Unless objected to by more than one-third of the Contracting Parties, the amendments enter into force on the date specified by the Assembly. This can all be done without the necessity of calling an international conference.

Past enactments of the international rules of the road have contained the rules in the implementing statute (with minor editorial changes), e.g., 33 U.S.C. 1061-1094. We now feel that, with the adoption of the rapid amendment procedure by the international maritime community, a more flexible plan of implementation is necessary. This is accomplished through the provisions of sections 3 and 5 of the bill. Section 3 describes the vessels to which the bill applies and requires persons operating those vessels to comply with the Convention and any subsequent amendments. Section 5 then ensures that adequate notice is given to those affected by the Convention by requiring the Secretary to publish the Convention, including amendments, and to make the publication available to the public in a timely manner.

The proposed procedure, whereby mariners are required to comply with nautical rules of the road contained in a convention only referenced in a statute, is similar to the method utilized by the FAA in regard to the International Civil Aviation Rules of the Air. The Federal Aviation Act of 1958 (P.L. 85-726, 49 U.S.C. 1301 *et seq.*) authorized the Administrator "to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, * * * including * * * rules for the prevention of collision between aircraft, between aircraft and land or water vehicles * * * ." (49 U.S.C. 1348(c)). The Administrator has exercised his authority under that provision by promulgating the following regulation:

"(b) Each person operating a civil aircraft of U.S. registry outside the United States shall—

"(1) When over the high seas, comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation * * * ." (14 CFR 91.1).

Thus, a United States pilot is required to be familiar with the latest Rules of the Air as found in the Convention on International Civil Aviation, although Annex 2 is cited only by reference. This process eliminates the duplication of effort by reprinting rules in the Federal Register or in the Code of Federal Regulations that are available elsewhere.

Another distinctive feature of this bill concerns its breadth of application. Section 3(a) makes the bill applicable to all United States vessels on the high seas whether privately or publicly owned and to all vessels both foreign and domestic that are on waters subject

to the jurisdiction of the United States. Section 3(c) then limits the applicability of the draft bill by preserving the present statutory navigation rules applying to Inland Waters, the Great Lakes, and the Western Rivers which exist as special rules under the 1960 Rules. However, there is a mandate in Rule 1(b) of the Convention that any special rule conform as closely as possible to those attached to the Convention. The purpose of this conformance requirement is to ease the burden of seagoing vessels which must now comply with more than one set of rules. This bill preserves the present statutory navigation rules for Inland Waters, the Great Lakes, and the Western Rivers until a legislative proposal can be presented to unify those rules and bring them into conformance with the Convention to the extent practicable.

Section 4 of this bill directs the Secretary of the department in which the Coast Guard is operating to administer and enforce the Convention and the bill by issuing implementing regulations. The Convention, particularly in Rule 1 and in Annexes I and III, authorizes the issuance of special rules. The Secretary of the Navy is authorized by section 4(c) to issue regulations for naval vessels of special construction and for vessels proceeding under convoy.

The publication required by section 5 of this bill will be available to the public at a reasonable price in order to defray the cost of printing. Section 5(b) will allow the Secretary to make editorial changes, such as spelling changes, to conform the rules to standard usage in the United States, and to insert United States customary units of measure after metric units as necessary when printing the Convention.

Section 7 of the bill contains a standard civil penalty provision with a maximum penalty of \$10,000. Any vessel navigated or operated in violation of the Convention or a regulation promulgated under this bill would also be liable in rem. Historically, there has never been a penalty imposed by the United States for violation of the international rules of the road. Under section 4450 of the Revised Statutes of the United States, however, the licenses of licensed personnel have always been subject to revocation or suspension for violation of those rules. This section has been added to provide uniform sanctions against anyone who violates the rules, whether licensed or not.

This bill provides two effective dates. Upon the date of enactment, the Secretary will be authorized to promulgate the regulations required to implement the Convention, and to issue the publication required by section 5 of the bill. On January 1, 1976, or on the date the Convention enters into force for the United States, whichever is later, the present international rules of the road will be repealed, and the vessels to which this bill applies will be required to comply with the Convention, this bill, and any regulations issued thereunder. At that time, the enforcement section will become effective.

The inflationary impact of this proposal on the Nation has been carefully considered. The expected benefit of a reduction in collisions at sea from improved rules of the nautical road far outweigh the minor inflationary impact of this proposal.

A rule-by-rule analysis comparing the rules of the Convention with those of the 1960 Convention is enclosed.

It would be appreciated if you would lay this proposed bill before the House of Representatives. A similar proposal has been submitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN W. BARNUM,
Acting Secretary.

Enclosure.

A BILL

To implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nautical Rules of the Road Act of 1975."

SEC. 2. For the purpose of this Act—

(1) "Convention" means the Convention on the International Regulations for Preventing Collisions at Sea, 1972, including the Rules and Annexes attached thereto, signed at London under date of October 20, 1972, and any subsequent amendments thereto;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "vessel" means every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

SEC. 3. (a) This Act applies—

(1) to any vessel upon waters subject to the jurisdiction of the United States; and

(2) to any vessel subject to the jurisdiction of the United States, while upon the high seas.

(b) A person operating a vessel to which this Act applies shall comply with the Convention and the regulations promulgated under this Act.

(c) Nothing in this Act amends or repeals the Acts establishing the Inland Waters and Harbor Navigation Rules, as amended (30 Stat. 96, 33 U.S.C. 154-232); the Great Lakes Navigation Rules, as amended (28 Stat. 645, 33 U.S.C. 241-295); or the navigation rules for the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries, as amended (section 4233 of the Revised Statutes of the United States, 33 U.S.C. 301-352).

SEC. 4. (a) The Secretary shall administer and enforce the Convention, this Act, and the regulations promulgated hereunder.

(b) The Secretary may promulgate the regulations authorized by the Convention.

(c) The Secretary of the Navy, or his designee, may promulgate the regulations authorized by Rule 1 of the Convention with respect to vessels proceeding under convoy and naval vessels (including vessels under bareboat charter to the Navy) of special construction or purpose which cannot comply fully with the provisions of the Convention.

(d) Prior to recommending action to the Secretary of State on a proposed amendment to the Convention, the Secretary, in consultation with the Secretary of State, shall provide an adequate opportunity for public review of and comment on the proposed amendment.

SEC. 5. (a) The Secretary shall, prior to the time that the Convention enters into force for the United States, and from time to time thereafter, publish and make available to the general public at a reasonable price the Convention, this Act, and the regulations promulgated hereunder.

(b) When he issues the publication required by this section, the Secretary may make editorial changes, clearly identified as such, in the Convention to conform to standard language usage in the United States.

(c) The Secretary shall publish in the Federal Register and in a notice to mariners the date that the Convention enters into force for the United States.

SEC. 6. On the effective date of this section, the Act of September 24, 1963 (77 Stat. 194, 33 U.S.C. 1051-1094) is repealed. The reference in any other law to the Act of September 24, 1963 (77 Stat. 194, 33 U.S.C. 1051-1094), shall be considered a reference to this Act.

SEC. 7. (a) Whoever violates a provision of the Convention or a regulation promulgated under this Act is liable to a civil penalty of not more than \$10,000 for each violation.

(b) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion remit, mitigate, or compromise any penalty. No penalty may be assessed until the alleged violator shall have been given notice and an opportunity for a hearing on the alleged violation. Upon failure to collect a penalty assessed under this section, the Secretary may request the Attorney General to commence an action for the penalty prescribed by this section in any district court of the United States.

(c) A vessel which is navigated or operated in violation of the Convention or a regulation promulgated under this Act is liable in rem for the penalty assessed under this section and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 8. The effective date of sections 3, 4(a), 6, and 7 of this Act is January 1, 1976, or the date the Convention enters into force for the United States, whichever is later.

DEPARTMENT OF STATE,
Washington, D.C., July 25, 1975.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MRS. SULLIVAN: The Secretary has asked me to reply to your request for the views and recommendations of the Department of State regarding H.R. 5446 entitled A Bill to Implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

This bill has been reviewed by the Department and there are no objections to it.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope you will call on me if you believe we can be of further assistance.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets):

INTERNATIONAL COLLISIONS REGULATIONS OF 1960

(77 Stat. 194-210; P.L. 88-131)

[AN ACT To authorize the President to proclaim regulations for preventing collisions at sea.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to proclaim the regulations set forth in section 4 of this Act for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the

extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to 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; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States.

【SEC. 2. Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice of Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations.

【SEC. 3. On the date the regulations authorized to be proclaimed under section 1 hereof take effect, the Act of October 11, 1951 (65 Stat. 406), is repealed and the regulations proclaimed thereunder shall be of no further force or effect. Until such date, nothing herein shall in any way limit, supersede, or repeal any regulations for the prevention of collisions which have heretofore been prescribed by statute, regulation, or rule. Any reference in any other law to the Act of October 11, 1951 (65 Stat. 406), or the regulations proclaimed thereunder, shall be deemed a reference to this Act and the regulations proclaimed hereunder.

【SEC. 4. The regulations authorized to be proclaimed under section 1 hereof are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, as follows:

【“REGULATIONS FOR PREVENTING COLLISIONS AT SEA

【“PART A.—PRELIMINARY AND DEFINITIONS

【“Rule 1

【“(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

【“(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

【“(c) In the following Rules, except where the context otherwise requires—

【“(i) the word ‘vessel’ includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

【“(ii) the word ‘seaplane’ includes a flying boat and any other aircraft designed to manoeuvre on the water;

【“(iii) the term ‘power-driven vessel’ means any vessel propelled by machinery;

【“(iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

【“(v) a vessel or seaplane on the water is ‘under way’ when she is not at anchor, or made fast to the shore, or aground;

【“(vi) the term ‘height above the hull’ means height above the uppermost continuous deck;

【“(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

【“(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

【“(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

【“(x) the word ‘visible’, when applied to lights, means visible on a dark night with a clear atmosphere;

【“(xi) the term ‘short blast’ means a blast of about one second’s duration;

【“(xii) the term ‘prolonged blast’ means a blast of from four to six seconds’ duration;

【“(xiii) the word ‘whistle’ means any appliance capable of producing the prescribed short and prolonged blasts;

【“(xiv) the term ‘engaged in fishing’ means fishing with nets, lines or trawls but does not include fishing with trolling lines.

【“PART B.—LIGHTS AND SHAPES

【“Rule 2

【“(a) A power-driven vessel when underway shall carry—

【“(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light 112½ degrees (10 points) on each side of the vessel, that is,

from right ahead to 22½ degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

["(ii) Either forward or abaft the white light prescribed in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

["(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

["(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

["(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

["(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

["(b) A seaplane under way on the water shall carry—

["(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

["(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

["(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

["Rule 3

["(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light prescribed in Rule 2(a) (i). None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

["(b) The towing vessel shall also show either the stern light prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

["(c) Between sunrise and sunset a power-driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

["(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in Rule 2(b) (i), and in a vertical line at least 6 feet above or below such light.

["Rule 4

["(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

["(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in Rule 2(b) (i), two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

["(c) A vessel engaged in laying or in picking up a submarine cable of navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessel, shall carry, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), or Rule 7(a) (i), three lights in a vertical line one over the other so that the upper and

lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

["(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in Rule 2(a) (i) or Rule 7(a) (i), as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

["(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the slide or sides on which danger exists.

["(e) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall show neither the coloured sidelights nor the stern light, but when making way they shall show them.

["(f) The lights and shapes prescribed in this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

["(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

["Rule 5

["(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in Rule 3(b).

["(b) In addition to the lights prescribed in section (a), a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in Rule 2(a) (i) and shall be visible at a distance of at least 2 miles.

["(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in Rule 2(a) (iv) and (v) and shall be screened as provided in Rule 2(a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

["(d) Between sunrise and sunset a vessel being towed if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter.

["Rule 6

["(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides.

["(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

["Rule 7

["Power-driven vessels of less than 65 feet in length, vessels under oars or sails of less than 40 feet in length, and rowing boats, when under way shall not be required to carry the lights prescribed in Rules 2, 3 and 5, but if they do not carry them they shall be provided with the following lights—

["(a) Power-driven vessels of less than 65 feet in length, except as provided in sections (b) and (c), shall carry—

["(i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in Rule 2(a) (i) and of such a character as to be visible at a distance of at least 3 miles.

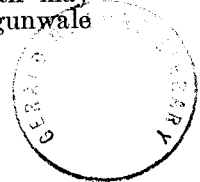
["(ii) Green and red sidelights constructed and fixed as prescribed in Rule 2(a) (iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

["(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

["(i) In addition to the sidelights or the combined lantern prescribed in section (a) (ii) two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in section (a) (i) and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.

["(ii) Either a stern light as prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

["(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale



but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in section (a) (ii).

["(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in section (f), shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

["(e) The vessels referred to in this Rule when being towed shall carry the sidelights or the combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, and a stern light as prescribed in Rule 10, or, except the last vessel of the tow, a small white light as prescribed in section (b) (ii). When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, provided that any number of vessels referred to in this Rule when pushed ahead in a group shall be lighted as one vessel under this Rule unless the overall length of the group exceeds 65 feet when the provisions of Rule 5(c) shall apply.

["(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

["(g) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4(a) and 11(e) and the size of their day signals may be less than is prescribed in Rules 4(c) and 11(c).

["Rule 8

["(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

["(i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

["(ii) Shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7(a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10.

["(iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

["(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

["(i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

["(ii) Shall be provided with the sidelights or lantern prescribed in Rules 5(a) or 7(d), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in Rule 10.

["(iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

["(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in sections (a) (i) and (iii) or (b) (i) and (iii), as appropriate, and if at anchor shall also carry the anchor lights prescribed in Rule 11.

["(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length.

["Rule 9

["(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

["(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this Rule, which lights and shapes shall be visible at a distance of at least 2 miles.

["(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

["(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in Rule 2(a) (i) but such light shall be carried lower than and abaft the all-round green and white lights.

["(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in section (c) (i) except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

["(e) Vessels referred to in sections (c) and (d), when making way through the water, shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7(a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10. When not making way through the water they shall show neither the sidelights nor the stern light.

["(f) Vessels referred to in section (d) with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the

direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in section (c) (i) and not lower than the sidelights.

["(g) In addition to the lights which they are required by this Rule to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this Rule.

["(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape. If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

["NOTE.—Vessels fishing with trolling lines are not 'engaged in fishing' as defined in Rule 1(c) (xiv).

["Rule 10

["(a) Except where otherwise provided in these Rules, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light 67½ degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

["(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

["(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

["Rule 11

["(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in section (b) of this Rule but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

["(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stem of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

["(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

["(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4(c) in addition to those prescribed in the appropriate preceding sections of this Rule.

["(e) A vessel aground shall carry the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

["(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

["(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

["(h) A seaplane aground shall carry on anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all around the horizon.

["Rule 12

["Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

["Rule 13

["(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

["(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special

construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

["Rule 14

["A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base.

["PART C.—SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

["PRELIMINARY

["1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with the Rules and, in particular, the obligations contained in Rules 15 and 16.

["2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility.

["Rule 15

["(a) A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

["(b) All signals prescribed in this Rule for vessels under way shall be given—

["(i) by power-driven vessels on the whistle;

["(ii) by sailing vessels on the fog horn;

["(iii) by vessels towed on the whistle or fog horn.

["(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows—

["(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

["(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

["(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast,

when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

["(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone of sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

["(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

["(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

["(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in sub-section (iv) and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

["(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in sub-section (v). A vessel when fishing with trolling lines and under way shall sound the signals prescribed in subsections (i), (ii) or (iii) as may be appropriate.

["(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

["(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in sub-sections (i), (ii) and (iv), sound an identity signal consisting of 4 short blasts.

["Rule 16

["(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

["(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained,

shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

["(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over.

["PART D.—STEERING AND SAILING RULES

["PRELIMINARY

["1. In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

["2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

["3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

["4. Rules 17 to 24 apply only to vessels in sight of one another.

["Rule 17

["(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

["(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

["(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

["(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

["Rule 18

["(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of

the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

["(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20(c) and Rule 28, a seaplane on the water shall be deemed to be a vessel, and the expression 'power-driven vessel' shall be construed accordingly.

["Rule 19

["When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

["Rule 20

["(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

["(b) This Rule shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

["(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

["Rule 21

["Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

["Rule 22

["Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other.

["Rule 23

["Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

["Rule 24

["(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

["(b) Every vessel coming up with another vessel from any direction more than 22½ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

["(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

["Rule 25

["(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

["(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half (½) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

["(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel.

["Rule 26

["All vessels not engaged in fishing, except vessels to which the provisions of Rule 4 apply, shall, when under way, keep out of the way of vessels engaged in fishing. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

["Rule 27

["In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

["PART E.—SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

["Rule 28

["(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle, namely—

["One short blast to mean 'I am altering my course to starboard'.

["Two short blasts to mean 'I am altering my course to port'.

["Three short blasts to mean 'My engines are going astern'.

["(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

["(c) Any whistle signal mentioned in this Rule may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

["(d) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

["PART F.—MISCELLANEOUS

["Rule 29

["Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

["Rule 30

["Reservation of Rules for Harbours and Inland Navigation

["Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

["Rule 31

["Distress Signals

["(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

["(i) A gun or other explosive signal fired at intervals of about a minute.

["(ii) A continuous sounding with any fog-signalling apparatus.

["(iii) Rockets or shells, throwing red stars fired one at a time at short intervals.

["(iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.

["(v) A signal sent by radiotelephony consisting of the spoken word 'Mayday'.

["(vi) The International Code Signal of distress indicated by N.C.

["(vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

["(viii) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).

["(ix) A rocket parachute flare or a hand flare showing a red light.

["(x) A smoke signal giving off a volume of orange-coloured smoke.

["(xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

["NOTE.—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

["(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

["ANNEX TO THE RULES

["RECOMMENDATIONS ON THE USE OF RADAR INFORMATION AS AN AID TO AVOIDING COLLISIONS AT SEA

["(1) Assumptions made on scanty information may be dangerous and should be avoided.

["(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with Rule 16(a), go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

["(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under Rule 16(b) sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

["(4) When action has been taken under Rule 16(c) to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

["(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

["(a) There is sufficient sea room.

["(b) It is made in good time.

["(c) It is substantial. A succession of small alterations of course should be avoided.

["(d) It does not result in a close quarters situation with other vessels.

["(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

["(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

["(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel."]

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INTERNATIONAL NAVIGATIONAL RULES ACT OF 1976

SEPTEMBER 21, 1976.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce,
submitted the following

REPORT

[To accompany H.R. 5446]

The Committee on Commerce, to which was referred the bill (H.R. 5446) to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to implement the provisions of the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

BACKGROUND

The first International Rules for Navigation at Sea, which governed the lighting and movement of vessels operating on the high seas and on connecting waters navigable by ocean vessels, were adopted by the Congress in 1890 and were made effective by Presidential proclamation in 1897. Since that time, the International Rules have been modified periodically to reflect changing technology and operating requirements.

The International Rules now in effect were proposed by the International Convention for Safety of Life at Sea, 1960. In 1963 Congress enacted legislation implementing that Convention (Public Law 88-131; 77 Stat. 194; 33 U.S.C. 1051 *et seq.*) By virtue of the provisions of this Convention, it came into force on May 26, 1965.

In October, 1972, the Inter-Governmental Maritime Consultative Organization (IMCO) adopted the Convention on the International Regulations for Preventing Collisions at Sea, and its accompanying regulations and technical annexes. H.R. 5446 would authorize the President to proclaim this Convention effective for United States

vessels and vessels on certain waters subject to the jurisdiction of the United States. Fifty-two governments, including the United States, participated in the 1972 IMCO Conference. The 1972 Convention's stated purpose was to maintain a high level of safety at sea, by revising the 1960 International Rules and by providing a procedure for expediting the adoption of amendments to the International Regulations.

On October 31, 1975, the Senate (by a vote of 94-0) gave its advice and consent to ratification of the Convention by the United States. The Convention has now been ratified by the required number of nations with sufficient merchant ship tonnage to bring it into force and effect internationally. The effective date set is July 15, 1977. The enactment of this bill is a necessary prerequisite to the deposit of the United States instrument ratifying this Convention. Unless this implementing legislation is enacted, U.S. vessels operating on the high seas and foreign ships in certain U.S. territorial waters will be required to comply with the 1960 Rules while the vessels of the signatory nations follow the rules of the 1972 Convention. Such a situation would create chaotic and potentially catastrophic conditions. The International Regulations and Annexes are attached to the Convention. The Regulations and Annexes establish maneuvering and signaling rules for mariners and provide additional technical requirements with respect to lights, shapes, sound signals, and distress signals. Changes of particular significance to the mariner include rules governing the conduct of vessels in or near areas of restricted visibility, the operation of vessels in a narrow channel, the recognition of the limitations on a vessel constrained by her draft, the operation of vessels in traffic separation schemes, the safe speed of a vessel in all conditions of traffic and visibility, and early action by a vessel to avoid collision. The International Regulations have also been rearranged to provide the mariner with a more comprehensible standard of conduct. Technical requirements for the design of lights and sound apparatus have been removed from the navigation rules and placed in annexes. The 1972 Conference revised the rules with an obvious concern for the changes that have occurred in vessel construction, maritime traffic patterns, and pollution in the maritime environment. The House of Representatives approved the bill, H.R. 5446, on April 5, 1976, by a vote of 366-1. On July 9, 1976, the Committee announced that it was considering the legislation and requested interested parties to submit written comments. Two submissions, both favorable were received. The Committee approved the bill without objection, in open executive session, on September 8, 1976.

The Convention and its accompanying Regulations and Annexes are included in the text of the report of the Committee on Merchant Marine and Fisheries of the House of Representatives (House Report 94-943) and thus are not printed in this report.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides the short title of the Act, which is the International Navigational Rules Act of 1976.

Section 2

This section defines terms used in the Act. The definition of "vessel" specifically adds non-displacement craft, such as hovercraft, hydro-

foils, and seaplanes, to the traditional meaning of the term. The definition is flexible enough to include any future vessel designs by providing that a vessel means "every description of watercraft . . . capable of being used as a means of transportation on the water".

Section 3

This section provides the means by which the International Regulations will come into force and effect for the United States, ensures coordination with the international implementation of the Regulations, and provides legal notice to interested persons. The President is authorized to proclaim the International Regulations in a manner similar to that used in Proclamation No. 3632 of December 29, 1964 for the 1960 Collision Regulations (29 Fed. Reg. 19167). The proclamation is to include the International Regulations with Annexes attached thereto, and will specify an effective date for the International Regulations.

This section also changes the manner in which International Regulations are implemented in the United States. Past enactments of the international rules of the road have been by statute. The statutory international rules of Public Law 88-131 would be repealed by section 10 of this bill, and would be replaced by a congressional authorization for the President to proclaim the International Regulations and to establish the effective date of the Regulations, Annexes thereto, and any subsequent amendments, by publishing the proclamation in the Federal Register.

This procedure, whereby mariners will be required to comply with an international convention which is only referenced in a statute rather than with the express language of statutory rules of the road, is similar to the procedure utilized to implement the International Civil Aviation Rules of the Air. Section 307(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c)) authorized the Administrator of the Federal Aviation Administration (FAA) to prescribe air traffic rules and regulations governing the flight of aircraft. The FAA Administrator has, by regulation pursuant to this statutory authority, required civil aircraft of U.S. registry outside the United States to comply with Annex 2 of the Convention on Civil Aviation. Most of the other maritime nations use a similar process to make the International Regulations for Preventing Collisions at Sea effective and applicable law as to vessels registered under their flag. Section 3(b) of this legislation, by giving the International Regulations and Annexes the force of law as to U.S.-flag vessels through administrative action rather than statutory enactment, ensures flexibility, and permits changes to be made promptly to assure continued conformity with the law of other nations.

Subsections (c) and (d) of section 3 set forth the procedure to be used for the consideration of future amendments to the Regulations and Annexes. It provides for executive and legislative review of any proposed amendments to the Regulations and Annexes. The President, upon receipt of a proposed amendment, shall notify the Congress of the proposal, including the date before which objections must be received by IMCO. Within 60 days after the receipt of such a notification, or prior to 10 days before the last date on which an objection must be communicated to IMCO, either House of Congress may adopt a resolution of disapproval. If such a resolution is adopted, the Presi-

dent is required to register an objection with IMCO. Under the provisions of the Convention, if an objection is registered by a Contracting Party, the amendment cannot come into effect as to that Party.

If neither House of Congress adopts such a resolution of disapproval within the required period of time, the President is not obligated to register any objection, but he is authorized to exercise his discretion as to whether or not to do so.

If the President does not object to proposed amendments to the Regulations, and if the necessary one-third of the Contracting Parties do not object to them, the amendments will enter into force on the date specified therefor by the Assembly of IMCO. Thereupon, section 3(c) of the bill authorizes the President to issue a proclamation giving the amendment the force and effect of law as to United States vessels.

Since the International Regulations are to have the force and effect of law, this congressional review procedure is a safeguard against amendments to the Regulations that may have an adverse impact on United States vessels. It is, however, anticipated that any amendments to the Regulations will be technical and non-controversial in nature and will not require resort to a resolution of disapproval. It should further be noted that the United States will participate in both the IMCO Maritime Safety Committee and the IMCO Assembly regarding the adoption of any proposed amendments.

Sections 4 and 5

These sections provide that the International Regulations will be applicable to, and must be complied with by all vessels on waters subject to the jurisdiction of the United States, with the exception of those waters covered by the Inland Rules of the Road (33 U.S.C. 154), the Navigation Rules for the Great Lakes and their connecting and tributary waters (33 U.S.C. 241), and the Navigation Rules for the Red River of the North and Rivers emptying into the Gulf of Mexico and their tributaries (33 U.S.C. 301). The limits of these three systems of inland navigation rules are established both by statute and by Coast Guard regulations. Sections 4(2) and 5, read together, establish the International Regulations as law in the territorial sea of the United States, on the seaward side of the demarcation line established by the Commandant of the Coast Guard pursuant to 33 U.S.C. 151. In addition, section 4(1) makes the International Regulations applicable to United States vessels while upon the high seas and while on the connecting territorial waters of any nation, to the extent that the International Regulations are consistent with such nation's local navigational rules. If a U.S. vessel is in the territorial sea of a nation whose local navigational rules differ from the International Regulations, both the Convention and this Act provide that the local rules are to be followed.

Section 6

This section recognizes the inability of certain vessels, because of their construction or special purpose, to display the exact number, position, range, or arc of visibility of lights required by the Regulations and its Annexes. The Secretary of the Navy is authorized to certify that a vessel of the Navy cannot comply with the requirements without interfering with its special function. The Secretary of the Department in which the Coast Guard is operating may make such a

certification with respect to any other vessel of the United States. In any case the Secretary involved must require that the vessel so certified comply as closely as possible with the requirements of the Regulations. Certifications issued pursuant to this section must be published in the Federal Register.

Section 7

This section recognizes the traditional use of special sound and light signals for ships of war or vessels in convoy. It permits the Secretary of the Navy to establish special rules for such signals provided that, insofar as possible, they cannot be mistaken for signals authorized by the International Regulations. Similarly, the Secretary of the Department in which the Coast Guard is operating, may authorize special station or signal lights for fishing vessels engaging in fishing as a fleet, provided that, insofar as possible, such signals cannot be mistaken for signals authorized in the International Regulations. These additional signals are authorized by Rule 1(c) of the International Regulations. After the regulations for special lights under this section are published in the Federal Register, they will have the same force and effect as the International Regulations themselves.

Section 8

The Secretary of the Department in which the Coast Guard is operating is authorized to implement the provisions of this Act and the International Regulations by issuing reasonable rules and regulations. The Secretary may utilize this authority to resolve problems that may face smaller vessels and vessels that may fall within a different classification by virtue of the conversion of the International Regulations to metric measurement. Such regulations may also be necessary to resolve any ambiguities in the Regulations that may arise.

The Convention, its Regulation and Annexes are directed toward safety conditions attendant to large ocean-going vessels. They do not take into account the specific problems of recreational boats which may be operated occasionally in international waters. The Committee therefore expects the Coast Guard to carry out its responsibilities under the Convention and this Act in a manner which reflects the policy of the Federal Boat Safety Act of 1971 (Public Law 92-75; 85 Stat. 213; 46 U.S.C. 1451 *et seq.*).

The navigation light requirement imposed under the Regulations are of particular concern to the Committee. It is the Committee's understanding that the adoption of these Regulations will not require the retrofitting of existing recreational boats with new navigation lights; an existing boat which is properly fitted and which shows lights that are in general conformance with the requirements for the present International Rules of the Road will continue to be acceptable.

This section of the Act provides the necessary authority for the Coast Guard to exercise flexibility in applying the Regulations to recreational boats when safety considerations are not at issue.

Section 9

This section provides for civil penalties for violation. The maximum civil penalty of which may be imposed for a violation of this Act, the International Regulations, or regulations issued pursuant to this Act, is \$500. The penalty may be imposed on an operator of a vessel or on the vessel itself, or both, (if not a public vessel used for non-commer-

cial purposes). If the vessel is liable, it may be seized and proceeded against in a district court of the United States. Although the International Regulations have never involved a penalty provision, the Coast Guard has acted against the licenses of personnel in violation of the regulations. The addition of this penalty provision makes the International Regulations consistent with the penalty provisions of the Inland Rules, and it assures that uniform sanctions will be applied against both licensed and unlicensed personnel.

Civil penalties may be imposed under this section only after notice and opportunity for a hearing. It is not intended that formal hearing procedures be utilized in the imposition of these penalties. Effective administrative enforcement will be enhanced by assessment procedures which are expeditious. The section grants the right to a further administrative appeal from the actions of the hearing officer. If an imposed civil penalty is not paid promptly, the case shall be referred to the Attorney General for collection in a *de novo* proceeding under 28 U.S.C. 1355.

Section 10

This section repeals the existing statutory International Rules of the Road, which were approved in 1960 and implemented in 1965. Any reference in other laws to the International Rules of the Road established in P.L. 88-181 shall be considered a reference to the International Regulations established pursuant to this Act. Until the date specified in the Presidential proclamation as the effective date of the 1972 International Regulations, the 1960 Regulations established by P.L. 88-181 will remain in effect.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law, in which no changes are made or proposed, is shown in roman):

INTERNATIONAL COLLISIONS REGULATIONS OF 1960

(77 Stat. 194-210; P.L. 88-131)

[AN ACT To authorize the President to proclaim regulations for preventing collisions at sea.

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to proclaim the regulations set forth in section 4 of this Act for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the*

extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to 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; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States.

[SEC. 2. Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice of Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations.

[SEC. 3. On the date the regulations authorized to be proclaimed under section 1 hereof take effect, the Act of October 11, 1951 (65 Stat. 406), is repealed and the regulations proclaimed thereunder shall be of no further force or effect. Until such date, nothing herein shall in any way limit, supersede, or repeal any regulations for the prevention of collisions which have heretofore been prescribed by statute, regulation, or rule. Any reference in any other law to the Act of October 11, 1951 (65 Stat. 406), or the regulations proclaimed thereunder, shall be deemed a reference to this Act and the regulations proclaimed hereunder.

[SEC. 4. The regulations authorized to be proclaimed under section 1 hereof are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, as follows:

["REGULATIONS FOR PREVENTING COLLISIONS AT SEA

["PART A.—PRELIMINARY AND DEFINITIONS

["Rule 1

["(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

["(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

["(c) In the following Rules, except where the context otherwise requires—

["(i) the word 'vessel' includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

["(ii) the word 'seaplane' includes a flying boat and any other aircraft designed to manoeuvre on the water;

["(iii) the term 'power-driven vessel' means any vessel propelled by machinery;

["(iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

["(v) a vessel or seaplane on the water is 'under way' when she is not at anchor, or made fast to the shore, or aground;

["(vi) the term 'height above the hull' means height above the uppermost continuous deck;

["(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

["(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

["(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

["(x) the word 'visible', when applied to lights, means visible on a dark night with a clear atmosphere;

["(xi) the term 'short blast' means a blast of about one second's duration;

["(xii) the term 'prolonged blast' means a blast of from four to six seconds' duration;

["(xiii) the word 'whistle' means any appliance capable of producing the prescribed short and prolonged blasts;

["(xiv) the term 'engaged in fishing' means fishing with nets, lines or trawls but does not include fishing with trolling lines.

["PART B.—LIGHTS AND SHAPES

["Rule 2

["(a) A power-driven vessel when underway shall carry—

["(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 22½ degrees (20 points of the compass), so fixed as to show the light 112½ degrees (10 points) on each side of the vessel, that is,

from right ahead to 22½ degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

["(ii) Either forward or abaft the white light prescribed in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

["(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

["(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

["(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

["(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

["(b) A seaplane under way on the water shall carry—

["(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

["(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

["(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

["Rule 3

["(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light prescribed in Rule 2(a) (i). None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

["(b) The towing vessel shall also show either the stern light prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

["(c) Between sunrise and sunset a power-driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

["(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in Rule 2(b) (i), and in a vertical line at least 6 feet above or below such light.

["Rule 4

["(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

["(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in Rule 2(b) (i), two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

["(c) A vessel engaged in laying or in picking up a submarine cable of navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessel, shall carry, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), or Rule 7(a) (i), three lights in a vertical line one over the other so that the upper and

lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

["(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in Rule 2(a) (i) or Rule 7(a) (i), as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

["(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the slide or sides on which danger exists.

["(e) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall show neither the coloured sidelights nor the stern light, but when making way they shall show them.

["(f) The lights and shapes prescribed in this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

["(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

["Rule 5

["(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in Rule 3(b).

["(b) In addition to the lights prescribed in section (a), a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in Rule 2(a) (i) and shall be visible at a distance of at least 2 miles.

["(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in Rule 2(a) (iv) and (v) and shall be screened as provided in Rule 2(a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

["(d) Between sunrise and sunset a vessel being towed if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter.

["Rule 6

["(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides.

["(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

["Rule 7

["Power-driven vessels of less than 65 feet in length, vessels under oars or sails of less than 40 feet in length, and rowing boats, when under way shall not be required to carry the lights prescribed in Rules 2, 3 and 5, but if they do not carry them they shall be provided with the following lights—

["(a) Power-driven vessels of less than 65 feet in length, except as provided in sections (b) and (c), shall carry—

["(i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in Rule 2(a)(i) and of such a character as to be visible at a distance of at least 3 miles.

["(ii) Green and red sidelights constructed and fixed as prescribed in Rule 2(a)(iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

["(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

["(i) In addition to the sidelights or the combined lantern prescribed in section (a)(ii) two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in section (a)(i) and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.

["(ii) Either a stern light as prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

["(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale

but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in section (a)(ii).

["(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in section (f), shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

["(e) The vessels referred to in this Rule when being towed shall carry the sidelights or the combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, and a stern light as prescribed in Rule 10, or, except the last vessel of the tow, a small white light as prescribed in section (b)(ii). When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, provided that any number of vessels referred to in this Rule when pushed ahead in a group shall be lighted as one vessel under this Rule unless the overall length of the group exceeds 65 feet when the provisions of Rule 5(c) shall apply.

["(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

["(g) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4(a) and 11(e) and the size of their day signals may be less than is prescribed in Rules 4(c) and 11(c).

["Rule 8

["(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

["(i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

["(ii) Shall carry the sidelights or lanterns prescribed in Rule 2(a)(iv) and (v) or Rule 7(a)(ii) or (d), as appropriate, and the stern light prescribed in Rule 10.

["(iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

["(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

["(i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

["(ii) Shall be provided with the sidelights or lantern prescribed in Rules 5(a) or 7(d), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in Rule 10.

["(iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

["(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in sections (a) (i) and (iii) or (b) (i) and (iii), as appropriate, and if at anchor shall also carry the anchor lights prescribed in Rule 11.

["(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length.

["Rule 9

["(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

["(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this Rule, which lights and shapes shall be visible at a distance of at least 2 miles.

["(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

["(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in Rule 2(a) (i) but such light shall be carried lower than and abaft the all-round green and white lights.

["(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in section (c) (i) except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

["(e) Vessels referred to in sections (c) and (d), when making way through the water, shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7 (a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10. When not making way through the water they shall show neither the sidelights nor the stern light.

["(f) Vessels referred to in section (d) with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the

direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in section (c) (i) and not lower than the sidelights.

["(g) In addition to the lights which they are required by this Rule to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this Rule.

["(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape. If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

["NOTE.—Vessels fishing with trolling lines are not 'engaged in fishing' as defined in Rule 1(c) (xiv).

["Rule 10

["(a) Except where otherwise provided in these Rules, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light 67½ degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

["(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

["(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

["Rule 11

["(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in section (b) of this Rule but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

["(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stem of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

["(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

["(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4(c) in addition to those prescribed in the appropriate preceding sections of this Rule.

["(e) A vessel aground shall carry the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

["(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

["(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

["(h) A seaplane aground shall carry on anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all around the horizon.

["Rule 12

["Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

["Rule 13

["(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

["(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special

construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

["Rule 14

["A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base.

["PART C.—SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

["PRELIMINARY

["1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with the Rules and, in particular, the obligations contained in Rules 15 and 16.

["2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility.

["Rule 15

["(a) A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

["(b) All signals prescribed in this Rule for vessels under way shall be given—

["(i) by power-driven vessels on the whistle;

["(ii) by sailing vessels on the fog horn;

["(iii) by vessels towed on the whistle or fog horn.

["(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows—

["(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

["(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

["(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast,

when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

["(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone of sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

["(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

["(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

["(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in sub-section (iv) and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

["(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in sub-section (v). A vessel when fishing with trolling lines and under way shall sound the signals prescribed in subsections (i), (ii) or (iii) as may be appropriate.

["(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

["(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in sub-sections (i), (ii) and (iv), sound an identity signal consisting of 4 short blasts.

["Rule 16

["(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

["(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained,

shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

["(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over.

["PART D.—STEERING AND SAILING RULES

["PRELIMINARY

["1. In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

["2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

["3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

["4. Rules 17 to 24 apply only to vessels in sight of one another.

["Rule 17

["(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

["(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

["(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

["(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

["Rule 18

["(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other: in other words, to cases in which, by day, each vessel sees the masts of

the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

【“(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20 (c) and Rule 28, a seaplane on the water shall be deemed to be a vessel, and the expression ‘power-driven vessel’ shall be construed accordingly.

【“Rule 19

【“When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

【“Rule 20

【“(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

【“(b) This Rule shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

【“(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

【“Rule 21

【“Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

【“Rule 22

【“Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other.

【“Rule 23

【“Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

【“Rule 24

【“(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

【“(b) Every vessel coming up with another vessel from any direction more than $22\frac{1}{2}$ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

【“(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

【“Rule 25

【“(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

【“(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half ($\frac{1}{2}$) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

【“(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel.

【“Rule 26

【“All vessels not engaged in fishing, except vessels to which the provisions of Rule 4 apply, shall, when under way, keep out of the way of vessels engaged in fishing. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

【“Rule 27

【“In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

["PART E.—SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

["Rule 28

["(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle, namely—

["One short blast to mean 'I am altering my course to starboard'.

["Two short blasts to mean 'I am altering my course to port'.

["Three short blasts to mean 'My engines are going astern'.

["(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

["(c) Any whistle signal mentioned in this Rule may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

["(d) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

["PART F.—MISCELLANEOUS

["Rule 29

["Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

["Rule 30

["Reservation of Rules for Harbours and Inland Navigation

["Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

["Rule 31

["Distress Signals

["(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

["(i) A gun or other explosive signal fired at intervals of about a minute.

["(ii) A continuous sounding with any fog-signalling apparatus.

["(iii) Rockets or shells, throwing red stars fired one at a time at short intervals.

["(iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.

["(v) A signal sent by radiotelephony consisting of the spoken word 'Mayday'.

["(vi) The International Code Signal of distress indicated by N.C.

["(vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

["(viii) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).

["(ix) A rocket parachute flare or a hand flare showing a red light.

["(x) A smoke signal giving off a volume of orange-coloured smoke.

["(xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

["NOTE.—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

["(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

["ANNEX TO THE RULES

["RECOMMENDATIONS ON THE USE OF RADAR INFORMATION AS AN AID TO AVOIDING COLLISIONS AT SEA

["(1) Assumptions made on scanty information may be dangerous and should be avoided.

["(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with Rule 16(a), go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognized that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

["(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under Rule 16(b) sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

["(4) When action has been taken under Rule 16(c) to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

["(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

["(a) There is sufficient sea room.

["(b) It is made in good time.

["(c) It is substantial. A succession of small alterations of course should be avoided.

["(d) It does not result in a close quarters situation with other vessels.

["(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

["(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

["(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel."]

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that there will be no additional cost to the Government as a result of the enactment of this legislation.

TEXT OF H.R. 5446, AS REPORTED

A BILL To implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "International Navigational Rules Act of 1976".

SEC. 2. For the purposes of this Act—

(1) "vessel" means every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water; and

(2) "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation.

SEC. 3. (a) The President is authorized to proclaim the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "International Regulations"). The effective date of the International Regulations for the United States shall be specified in the proclamation and shall be the date as near as possible to, but no earlier than, the date on which the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "Convention"), signed at London, England, under date of October 20, 1972, enters into force for the United States. The International Regulations proclaimed shall consist of the rules and other annexes attached to the Convention.

(b) The proclamation shall include the International Regulations and shall be published in the Federal Register. On the date specified in the proclamation, the International Regulations shall enter into force for the United States and shall have effect as if enacted by statute.

(c) Subject to the provisions of subsection (d) hereof, the President is also authorized to proclaim any amendment to the International Regulations hereafter adopted in accordance with the provisions of article VI of the Convention, and to which United States does not object. The effective date of the amendment shall be specified in the proclamation and shall be in accordance with the provisions of the said article VI. The proclamation shall include the adopted amendment and shall be published in the Federal Register. On the date specified in the proclamation, the amendment shall enter into force for the United States as a constituent part of the International Regulations, as amended, and shall have effect as if enacted by statute.

(d) (1) Upon receiving proposed amendments to the International Regulations, communicated to the United States pursuant to clause 3 of article VI of the Convention, the President shall promptly notify the Congress of the proposed amendment. If, within sixty days after receipt of such notification by the Congress, or ten days prior to the date under clause 4 of article VI for registering an objection, which ever comes first, either House of Congress, by affirmative majority vote of those present and voting in that House, adopts a resolution of disapproval, such resolution shall be transmitted to the President and shall constitute an objection by the United States to the proposed amendment. If, upon receiving notification of the resolution of disapproval, the President has not already notified the Inter-Governmental Maritime Consultative Organization of an objection of the United States to the proposed amendment, he shall promptly do so.

(2) For the purposes of this subsection, "resolution of disapproval" means a simple resolution of either House of the Congress, the matter after the resolving clause of which is to read as follows: "That the _____ does not favor the proposed amendment to the International Regulations for Preventing Collisions at Sea, 1972, relating to _____, and forwarded to the Congress by the President on

_____.”, the first blank space therein to be filled with the name of the resolving House, the second blank space therein to be filled with the subject matter of the proposed amendment, and the third blank space therein to be filled with the day, month, and year.

(3) Any proposed amendment transmitted to the Congress by the President and any resolution of disapproval pertaining thereto shall be referred, in the House of Representatives, to the Committee on Merchant Marine and Fisheries, and shall be referred, in the Senate, to the Committee on Commerce.

SEC. 4. Except as provided in section 5 and subject to the provisions of section 6, the International Regulations, as proclaimed under section 3, shall be applicable to, and shall be complied with by—

(1) all vessels, public and private, subject to the jurisdiction of the United States, while upon the high seas or in waters connected therewith navigable by seagoing vessels, and

(2) all other vessels when on waters subject to the jurisdiction of the United States.

SEC. 5. (a) The International Regulations shall not be applicable to vessels while—

(1) in the harbors, rivers, and other inland waters of the United States, as defined in section 1 of the Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154),

(2) in the Great Lakes of North America and their connecting and tributary waters, as defined in section 1 of the Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241), nor while

(3) in the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, as defined in section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 301).

(b) Whenever a vessel subject to the jurisdiction of the United States is in the territorial waters of a foreign state the International Regulations shall be applicable to, and shall be complied with by, that vessel to the extent that the laws and regulations of the foreign state are not in conflict therewith.

SEC. 6. (a) Any requirement of the International Regulations with respect to the number, position, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and characteristics of sound-signaling appliances, shall not be applicable to a vessel of special construction or purpose, whenever the Secretary of the Navy, for any vessel of the Navy, or the Secretary of the department in which the Coast Guard is operating, for any other vessel of the United States, shall certify that the vessel cannot comply fully with that requirement without interfering with the special function of the vessel.

(b) Whenever a certification is issued under the authority of subsection (a) hereof, the vessel involved shall comply with the requirement as to which the certification is made to the extent that the Secretary issuing the certification shall certify as the closest possible compliance by that vessel.

(c) Notice of the certifications issued pursuant to subsections (a) and (b) hereof shall be published in the Federal Register.

SEC. 7. (a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is oper-

ating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) hereof shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

SEC. 8. The Secretary of the Department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this Act and the International Regulations proclaimed hereunder.

SEC. 9. (a) Whoever operates a vessel, subject to the provisions of this Act, in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of not more than \$500 for each such violation.

(b) Every vessel subject to the provisions of this Act, other than a public vessel being used for noncommercial purposes, which is operated in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of \$500 for each such violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which such vessel may be found.

(c) The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

SEC. 10. Public Law 88-131 (77 Stat. 194) is repealed, effective on the date on which the International Regulations enter into force for the United States. The reference in any other law to Public Law 88-131, or to the regulations set forth in section 4 of that Act, shall be considered a reference, respectively, to this Act, or to the International Regulations proclaimed hereunder.

AGENCY COMMENTS

DEPARTMENT OF STATE,
Washington, D.C., September 16, 1976.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Secretary has asked me to reply to your request for the views and recommendations of the Department of

State regarding H.R. 5446 (94th Congress, 2d Session, April 6, 1976) entitled A Bill to Implement the Convention on the International Regulations for the Prevention of Collisions at Sea, 1972.

Though a previous version of this Bill was reviewed by the Department and found not to be objectionable, the current version of the Bill introduces a different concept with regard to Congressional approval of amendments to the Regulations to which objection must be raised. Enclosed is a memorandum discussing in detail the Department's objections.

We would point out, however, that the language requiring a joint resolution of disapproval of any proposed amendments would be acceptable. Sample language to this effect may be found in the recently enacted Fishery Conservation and Management Act of 1976 (Public Law 94-265).

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report, and that unless this provision is amended, enactment would not be in accordance with the program of the President.

Sincerely,

KEMPTON B. JENKINS,
*Acting Assistant Secretary
for Congressional Relations.*

Enclosure:
As stated.

MEMORANDUM ON H.R. 5446

The Department of State opposes the House Merchant Marine and Fisheries Committee revision of the COLREG implementing legislation (H.R. 5446), particularly Section 3(d) dealing with the means by which the disapproval of a proposed amendment to the Regulations will be determined in the United States.

Section 3(d) provides as follows:

"(d) (1) Upon receiving a proposed amendment to the International Regulations, communicated to the United States pursuant to clause 3 of article VI of the Convention, the President shall promptly notify the Congress of the proposed amendment. If, within sixty days after receipt of such notification by the Congress, or ten days prior to the date under clause 4 of article VI for registering an objection, whichever comes first, either House of Congress, by affirmative majority vote of those present and voting in that House, adopts a resolution of disapproval, such resolution shall be transmitted to the President and shall constitute an objection by the United States to the proposed amendment. If, upon receiving notification of the resolution of disapproval, the President has not already notified the Inter-Governmental Maritime Consultative Organization of an objection of the United States to the proposed amendment, he shall promptly do so."

The Regulations at issue are the "Rules and other Annexes constituting the International Regulations for Preventing Collisions at Sea, 1972," attached to and an integral part of the Convention (see Article I of the Convention).

Article VI of the Convention specifies the procedures for amending the Regulations. These procedures vary from the usual amendment procedures only in that prepared amendments are deemed to be approved unless more than one-third of the Contracting Parties object to such proposed amendments, within a time period to be specified. The usual procedure is to require the positive approval of a specified number of Contracting Parties. The procedure chosen in this Convention is more likely to be expeditious and seems sensible in light of the technical nature of the Regulations. This inversion of the amendment procedure should not, however, obscure the fact that any such action taken will constitute an amendment of a treaty.

Article II, Section 2, of the United States Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties . . ." It has long been the accepted U.S. practice that amendments to treaties are, absent a clear indication to the contrary, new treaties which, therefore, require the advice and consent of the Senate. A treaty or legislation may, however, specifically permit amendments by means of executive agreements. Article II of the 1974 Convention between the United States and Japan regarding migratory birds has been interpreted as permitting amendment of the migratory bird list without reference to the Senate.

On the other hand, in 1973, the Convention on Facilitation of International Maritime Traffic, 1965, was amended solely to institute an amendment procedure nearly identical to the one in the Convention here at issue (there called a "tacit amendment procedure"). In the Senate Report regarding the amendment to the Maritime Traffic Convention (Ex Rpt 93-37, 93d Congress, 2d Session) it is made clear on page 3 that the "tacit amendment procedure" does not circumvent the constitutional role of the Senate under Article II, Section 2, of the Constitution.

Thus, the amendment of a treaty may be accomplished by either one of two ways: (1) the amendment must itself be a new treaty, or (2) the original treaty or legislation may authorize the President alone by executive agreement to conclude the amendment.

If the amendment is a treaty, it must be approved in the manner contemplated in the Constitution (Art II, Section 2), that is to say, ". . . with the advice and consent of the Senate . . . provided two-thirds of the Senators present concur . . ." To permit the House to take part in this action, as is in H.R. 5446, is not a constitutional procedure. Moreover, the Constitution requires a two-thirds vote; it does not permit the silence of the Senate to constitute "advice and consent," as would be the case under H.R. 5446 if the Senate were to take no action to establish a U.S. objection to a proposed amendment. If proposed amendments to the regulations are to be a treaty, it must be approved or not by the well established Constitutional procedures, and not in the manner contemplated in H.R. 5446.

If the amendment is to be accomplished by means of an executive agreement, as authorized by treaty or by statute, the Congress may not, consistent with the Constitution, maintain oversight by means of the legislative veto. Executive agreements on subjects within the

competence of Congress may be invalidated by a joint resolution, and with this procedure the Executive Branch has no quarrel. However, the use of a mere resolution of either House to block Executive Agreements is not consistent with Article I, Section 7, clause 3 of the Constitution, which reads as follows:

“Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.”

The detailed constitutional analysis in support of this view has been repeatedly presented by the Executive Branch (*e.g.*, Statement by Monroe Leigh, Legal Adviser of the Department of State, Before the Subcommittee on International Security and Scientific Affairs of the House Committee on International Relations, on H.R. 4438, July 22, 1976), and will not, therefore, be restated here.

For the above reasons, H.R. 5446 is opposed by the Department of State.



H. R. 5446

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Navigational Rules Act of 1976".

Sec. 2. For the purposes of this Act—

(1) "vessel" means every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water; and

(2) "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation.

Sec. 3. (a) The President is authorized to proclaim the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "International Regulations"). The effective date of the International Regulations for the United States shall be specified in the proclamation and shall be the date as near as possible to, but no earlier than, the date on which the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the "Convention"), signed at London, England, under date of October 20, 1972, enters into force for the United States. The International Regulations proclaimed shall consist of the rules and other annexes attached to the Convention.

(b) The proclamation shall include the International Regulations and shall be published in the Federal Register. On the date specified in the proclamation, the International Regulations shall enter into force for the United States and shall have effect as if enacted by statute.

(c) Subject to the provisions of subsection (d) hereof, the President is also authorized to proclaim any amendment to the International Regulations hereafter adopted in accordance with the provisions of article VI of the Convention, and to which the United States does not object. The effective date of the amendment shall be specified in the proclamation and shall be in accordance with the provisions of the said article VI. The proclamation shall include the adopted amendment and shall be published in the Federal Register. On the date specified in the proclamation, the amendment shall enter into force for the United States as a constituent part of the International Regulations, as amended, and shall have effect as if enacted by statute.

(d) (1) Upon receiving a proposed amendment to the International Regulations, communicated to the United States pursuant to clause 3 of article VI of the Convention, the President shall promptly notify the Congress of the proposed amendment. If, within sixty days after receipt of such notification by the Congress, or ten days prior to the date under clause 4 of article VI for registering an objection, whichever comes first, either House of Congress, by affirmative majority vote of those present and voting in that House, adopts a resolution of disapproval, such resolution shall be transmitted to the President and shall constitute an objection by the United States to the proposed

amendment. If, upon receiving notification of the resolution of disapproval, the President has not already notified the Inter-Governmental Maritime Consultative Organization of an objection of the United States to the proposed amendment, he shall promptly do so.

(2) For the purposes of this subsection, "resolution of disapproval" means a simple resolution of either House of the Congress, the matter after the resolving clause of which is to read as follows: "That the _____ does not favor the proposed amendment to the International Regulations for Preventing Collisions at Sea, 1972, relating to _____, and forwarded to the Congress by the President on _____", the first blank space therein to be filled with the name of the resolving House, the second blank space therein to be filled with the subject matter of the proposed amendment, and the third blank space therein to be filled with the day, month, and year.

(3) Any proposed amendment transmitted to the Congress by the President and any resolution of disapproval pertaining thereto shall be referred, in the House of Representatives, to the Committee on Merchant Marine and Fisheries, and shall be referred, in the Senate, to the Committee on Commerce.

SEC. 4. Except as provided in section 5 and subject to the provisions of section 6, the International Regulations, as proclaimed under section 3, shall be applicable to, and shall be complied with by—

(1) all vessels, public and private, subject to the jurisdiction of the United States, while upon the high seas or in waters connected therewith navigable by sea-going vessels, and

(2) all other vessels when on waters subject to the jurisdiction of the United States.

SEC. 5. (a) The International Regulations shall not be applicable to vessels while—

(1) in the harbors, rivers, and other inland waters of the United States, as defined in section 1 of the Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154),

(2) in the Great Lakes of North America and their connecting and tributary waters, as defined in section 1 of the Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241), nor while

(3) in the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, as defined in section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 301).

(b) Whenever a vessel subject to the jurisdiction of the United States is in the territorial waters of a foreign state the International Regulations shall be applicable to, and shall be complied with by, that vessel to the extent that the laws and regulations of the foreign state are not in conflict therewith.

SEC. 6. (a) Any requirement of the International Regulations with respect to the number, position, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and characteristics of sound-signalling appliances, shall not be applicable to a vessel of special construction or purpose, whenever the Secretary of the Navy, for any vessel of the Navy, or the Secretary of the department in which the Coast Guard is operating, for any other vessel of

the United States, shall certify that the vessel cannot comply fully with that requirement without interfering with the special function of the vessel.

(b) Whenever a certification is issued under the authority of subsection (a) hereof, the vessel involved shall comply with the requirement as to which the certification is made to the extent that the Secretary issuing the certification shall certify as the closest possible compliance by that vessel.

(c) Notice of the certifications issued pursuant to subsections (a) and (b) hereof shall be published in the Federal Register.

SEC. 7. (a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is operating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) hereof shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

SEC. 8. The Secretary of the department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this Act and the International Regulations proclaimed hereunder.

SEC. 9. (a) Whoever operates a vessel, subject to the provisions of this Act, in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of not more than \$500 for each such violation.

(b) Every vessel subject to the provisions of this Act, other than a public vessel being used for noncommercial purposes, which is operated in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of \$500 for each such violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which such vessel may be found.

(c) The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

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SEC. 10. Public Law 88-131 (77 Stat. 194) is repealed, effective on the date on which the International Regulations enter into force for the United States. The reference in any other law to Public Law 88-131, or to the regulations set forth in section 4 of that Act, shall be considered a reference, respectively, to this Act, or to the International Regulations proclaimed hereunder.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

H. R. 15552

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend title 18, United States Code, to implement the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons".

SEC. 2. Section 1116 of title 18, United States Code, is amended to read as follows:

"§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

"(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) For the purposes of this section:

"(1) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

"(2) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(3) 'Foreign official' means—

"(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(4) 'Internationally protected person' means—

"(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

"(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or

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international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

“(5) ‘International organization’ means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

“(6) ‘Official guest’ means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

“(c) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.”

SEC. 3. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 1116 is amended to read as follows:

“1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons.”

SEC. 4. Section 1201 of title 18, United States Code, is amended as follows:

(a) by deleting subsection (a) (4) and inserting in lieu thereof the following:

“(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title;” and

(b) by adding at the end thereof new subsections (d), (e), and (f) as follows:

“(d) Whoever attempts to violate subsection (a) (4) shall be punished by imprisonment for not more than twenty years.

“(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(f) In the course of enforcement of subsection (a) (4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a) (4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.”

SEC. 5. Section 112 of title 18, United States Code, is amended to read as follows:

“§ 112. Protection of foreign officials, official guests, and internationally protected persons

“(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) Whoever willfully—

“(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

“(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

“(3) within the United States but outside the District of Columbia and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

“(A) a foreign government, including such use as a mission to an international organization;

“(B) an international organization;

“(C) a foreign official; or

“(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section; shall be fined not more than \$500 or imprisoned not more than six months, or both.

“(c) For the purpose of this section ‘foreign government’, ‘foreign official’, ‘internationally protected person’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in section 1116(b) of this title.

“(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

“(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.”

SEC. 6. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 112 is amended to read as follows:

“112. Protection of foreign officials, official guests, and internationally protected persons.”.

SEC. 7. Section 970 of title 18, United States Code, is amended:

(a) by relettering subsection “(b)” as subsection “(c)” and amending the subsection to read as follows:

“(c) For the purpose of this section ‘foreign government’, ‘foreign official’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in section 1116(b) of this title.”; and

(b) by inserting a new subsection “(b)” as follows:

“(b) Whoever, willfully with intent to intimidate, coerce, threaten, or harass—

“(1) forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

“(A) a foreign government, including such use as a mission to an international organization;

“(B) an international organization;

“(C) a foreign official; or

“(D) an official guest; or

“(2) refuses to depart from such portion of such building or premises after a request—

“(A) by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

“(B) by a foreign official or any member of the foreign official’s staff who is authorized by the foreign official to make such request;

“(C) by an official guest or any member of the official guest’s staff who is authorized by the official guest to make such request; or

“(D) by any person present having law enforcement powers;

shall be fined not more than \$500 or imprisoned not more than six months, or both.”.

SEC. 8. Chapter 41 of title 18, United States Code, is amended by adding a new section 878 as follows:

“§ 878. Threats and extortion against foreign officials, official guests, or internationally protected persons

“(a) Whoever knowingly and willfully threatens to violate section 112, 1116, or 1201 by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person shall be fined not more than \$5,000 or imprisoned not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

“(b) Whoever in connection with any violation of subsection (a) or actual violation of section 112, 1116, or 1201 makes any extortionate demand shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both.

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“(c) For the purpose of this section ‘foreign official’, ‘internationally protected person’, and ‘official guest’ shall have the same meanings as those provided in section 1116(a) of this title.

“(d) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).”

SEC. 9. The analysis of chapter 41 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

“878. Threat and extortion against foreign officials, official guests, and internationally protected persons.”

SEC. 10. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations.

SEC. 11. Section 11 of title 18, United States Code, is amended by inserting after the word “title” the words “except in sections 112, 878, 970, 1116, and 1201”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*