



To: John Downing, Minnesota Sea Grant

From: Emma Tompkins, National Sea Grant Law Center Research Associate¹

Re: Rebroadcasting VHF stations (NSGLC-23-04-01)²

Date: March 31, 2023

Advisory Summary

Minnesota Sea Grant asked whether it would be legal to rebroadcast a public VHF station online. There do not appear to be any prohibitions on Minnesota Sea Grant's ability to rebroadcast a public VHF station online.

Background

The Federal Communications Commission (FCC) is the federal agency directed by Congress to regulate broadcasting. Some federal and state laws make intercepting and divulging certain radio communications illegal, such as the Communications Act, which prohibits a person from using an intercepted radio communication for his or her own benefit.³ However, there are some specific exceptions, including the divulgence of certain radio communications that were transmitted for use by the general public (such as over-the-air radio and television broadcasts) and the disclosure of broadcasts related to ships, aircraft, vehicles, or persons in distress.⁴

VHF Radios are very high frequency radios used by maritime vessels and seamen. VHF radios are an integral component in marine communications because they are used as two-way communicators that can transfer and receive messages to and from the responding station. The most critical function of a marine VHF radio is that it is beneficial when sending distress signals across channels to coast guards and other vessels nearby.⁵

Discussion

Provided that Minnesota Sea Grant is planning to publicly disseminate VHF communications to assist with marine navigation and other related purposes, this use would fall squarely within the exceptions to the general prohibition on the disclosure of radio communications. Because VHF radio transmissions are used to broadcast information relating to ships and/or persons in distress on the water, these broadcasts are allowed to be divulged by other persons. Therefore, broadcasting VHF stations online appears to be legal.

¹ Supervising attorney, Terra Bowling, NSGLC.

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³ 18 U.S.C. § 2511; The Communications Act of 1934, 47. U.S.C. § 151 *et seq.*

⁴ 18 U.S.C. § 2511.

⁵ Zahra Ahmed, *What are Marine VHF Radios, Marine GPS and Marine Autopilots?*, MARINE INSIGHT (Jan. 3, 2022), <https://www.marineinsight.com/marine-navigation/revolutionising-marine-travel-marine-vhf-radios-marine-gps-and-marine-autopilots/>.