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Maritime Washington in 1939

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The federal government's footprint on the United States Merchant Marine has changed drastically over the years. It is useful and informative to occasionally look back. In commemoration 75th anniversary of the initial publication of the Maritime Reporter & Engineering News, it is only appropriate that we examine how the federal government (Maritime Washington) interacted with the marine industry in 1939 and how that relationship changed with time.

United States Maritime Commission

The United States Maritime Commission was one of the two 500-pound Maritime Washington gorillas of its day. The Commission had been established under the Merchant Marine Act, 1936 to replace the World War I era United States Shipping Board. Its mission was to, among other things, develop plans for the economical construction of vessels and their propelling machinery, of the most modern economical types, giving thorough consideration to all well-recognized means of propulsion and taking account into the benefits accruing from standardized production where practicable and desirable; to design and oversee the construction of a new fleet of cargo ships to replace obsolete ones; and to implement measures to compensate for the higher costs of shipping cargoes on United States ships and of building, repairing, and scrapping ships in United States shipyards. Soon after the conflict in Europe commenced in 1939, the US Maritime Commission oversaw the construction of 57 cargo ships of the Ocean class for immediate transfer to the British Ministry of War. These ships were built to a uniform set of plans with welded steel hulls, which was an advanced technic in that era. This initiative was the precursor of the Liberty and Victory ships projects. In addition, the Commission also provided oversight for the new United States Maritime Service which administered the training and commercial employment of licensed and unlicensed members of the US merchant marine.

The US Maritime Commission exercised broad power over the US maritime sector, combining authorities currently divided between the Maritime Administration (MARAD), the Federal Maritime Commission (FMC), and the US Coast Guard. A major difference between 1939 and today is that in 1939 Congress actually funded the programs it authorized. Monies were appropriated for substantial construction and operating subsidies, Congress having for once put its money where its mouth was.

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Bureau of Navigation and Marine Inspection

Vessel inspection duties were, in 1939, assigned to the Bureau of Navigation and Marine Inspection (BNMI), an agency in the Department of Commerce, which had been created through the combination of the Steamboat Inspection Service and the Bureau of Navigation. The BNMI was the second 500-pound Maritime Washington gorilla of that day. It was also charged with the investigation of marine casualties, the licensing and documentation of merchant mariners, and the registry, enrollment, and licensing of vessels of the United States. It oversaw compliance with the International Convention for the Safety of Life at Sea (SOLAS Convention), other than the International Ice Patrol. Thus, the BNMI performed functions now assigned to the Coast Guard and the National Transportation Safety Board (NTSB).

In 1942, the BNMI was abolished by Executive Order 9083. Administration of the registry, enrollment, and licensing of vessels of the United States was reassigned to the Bureau of Customs. All the other functions of the BNMI were transferred to the Coast Guard. Also transferred to the Coast Guard were the functions of the United States Maritime Commission pertaining to establishing, developing, and operating the US Maritime Service, including oversight of the merchant mariner training programs. Largely through this Executive Order, the United States Coast Guard became the new 1000-pound Maritime Washington gorilla. The BNMI had been largely absorbed and the US Maritime Commission severed. The transfer of these duties was intended to be only a wartime measure, but was made permanent by Congress in 1946. In 1967, with the creation of the Department of Transportation (DOT) and the transfer therein of the US Coast Guard, the duties of registry, enrollment, and licensing of vessels of the United States were reassigned from the Customs Service to the Coast Guard, where they have remained to this day.

United States Lighthouse Service

On July 1, 1939, one of the oldest of the federal agencies, the United States Lighthouse Service (USLHS) was transferred from the Department of Commerce to the US Coast Guard. This was done in accordance with Presidential Reorganization Plan Number 11, which had been approved by Public Resolution No. 20 of 7 June 1939. By this means, operation and maintenance of approximately 30,000 aids to maritime navigation (including lighthouses, light ships, buoys, and daymarks) on the sea and lake coasts and on the navigable rivers of the United States was joined with the agency responsible for enforcing federal law at sea and for life-saving along the coasts. The 5,200 personnel of the USLHS also joined the Coast Guard by this measure. These agencies had worked cooperatively for many years, albeit less formally. The Coast Guard soon replaced its loose field operational structure with the more detailed District Office structure of the USLHS.

International regulation

International regulation of the maritime sector was virtually non-existent in 1939. The SOLAS Convention had been adopted by most maritime nations following the Titanic tragedy of 1912. There was also an agreement on rules to prevent collisions at sea. The United Nations did not exist and the League of Nations was on its deathbed. The Comité Maritime International (CMI), an international grouping of maritime law associations, partially filled the void by drafting international agreements on such topics as maritime salvage, which many governments then adopted. Mostly, though, the maritime sector was left to its own devices with regard to international cooperation.

Today, we have the International Maritime Organization (IMO) and the International Labour Organization, both specialized agencies of the United Nations. These agencies, particularly the IMO, have negotiated a wide variety of conventions and regulations addressing all manner of topics impacting the maritime sector. These conventions are then implemented and enforced by Member States. For the United States, the US Coast Guard is charged with implementation and enforcement of almost all of these mandates.

Federal regulations

The concept of federal regulations, whereby federal agencies promulgate detailed standards for regulated entities in accordance with broad Congressional mandates, was in its infancy in 1939. Regulations, as we know them today, grew out of the various agencies established by New Deal legislation. The concept of federal agencies promulgating regulations enforceable by law was only reluctantly approved by the Supreme Court after President Franklin Roosevelt threatened to “pack” the Court with additional members subscribing to his philosophy.

What started out as a trickle has turned into a waterfall. Regulations are now ubiquitous. The Code of Federal Regulations (CFR) fills several bookshelves and is updated annually. The Federal Register, which commenced publication with a few daily pages in 1936, ran to 80,462 pages in 2013, averaging more than 315 pages per day of publication. By federal law, publication of an item in the Federal Register constitutes notice to the world. In fact, no one person can keep up with the massive amount of directives coming out of modern Maritime Washington. Even within the promulgating agencies, regulatory and policy changes are sometimes made without input from all the internal stakeholders.

This is not to say that all federal regulation is bad. The world, including the maritime world, is complex and only works properly if its vital parts are synchronized. Regulation goes a long way toward ensuring the competing commercial entities are operating on a level playing field and that public health and welfare is protected. It is difficult, though, for federal agencies to keep the voluminous regulations current and to keep their field personnel fully trained in their proper enforcement.

Conclusion

The world today is a far different place than it was in 1939. Maritime Washington today is far different from Maritime Washington of 1939. Many things have improved, but some have gotten more difficult. We can't go back, but sometimes putting things in historical perspective helps to guide the choices we must make in the future.

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