

U.S. Senators Seek Jones Act Attention

MAY 22, 2018

On May 21, 2018, 11 U.S. senators led by Sen. Bill Cassidy of Louisiana sent a [letter](#) to Mr. Larry Kudlow, Director of the National Economic Council, and Mr. John Bolton, National Security Advisor, seeking attention to the [Jones Act](#). That Act restricts U.S. domestic maritime commerce to U.S.-flag vessels built in the United States and owned and operated by qualified U.S. citizens, absent an exception.

The May 21 letter requests in general that Messrs. Kudlow and Bolton “consider the importance of the U.S. maritime industry and the value of protecting American shipping and American trade.” The senators also request “that any recommendations are made in the interest of strengthening of the Jones Act” and point out that “the Jones Act continues to provide for our national, homeland, and economic security, as intended by Congress.”

The letter is focused on a January 18, 2017 U.S. Customs and Border Protection (CBP) notice seeking public comment on the “application of the coastwise laws to certain merchandise and vessel equipment that are transported between coastwise points.” Specifically, CBP proposed modifying or revoking a number of administrative letter rulings going back to 1976 regarding the definition and application of “vessel equipment” in the Jones Act context. More than 3,000 comments were received in response to that notice. The January 2017 notice was subsequently withdrawn by CBP.

The letter from the 11 senators asserts that the notice should not have been withdrawn because, according to the letter, the letter rulings to be revoked or modified are “flawed interpretations.” The letter further acknowledges “that the Trump Administration is studying how to address these letter rulings, including whether regulatory action is necessary or appropriate.”

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