

Biden Administration to Promote U.S.-Flag Vessels in Infrastructure Plan

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On March 31, 2021, the Biden Administration announced “[The American Jobs Plan](#)” to build and re-build America’s infrastructure. Among other things, the Plan seeks to “build world-class transportation infrastructure” including modernizing 20,000 miles of roads, reconstructing ten of the most economically significant U.S. bridges and repairing 10,000 small bridges. The Plan also declares that all goods and materials will have to be made in America “and shipped on U.S.-flag, U.S.-crewed vessels.”

This goal is consistent with the President’s January 25, 2021 Buy American Executive Order. In that Order, the President announced “strong support for the Jones Act” and noted that the National Defense Authorization Act for Fiscal Year 2021 enacted into law on January 1, 2021 over President Trump’s veto had affirmed the application of the Jones Act to offshore renewable energy projects. The “[Jones Act](#)” is a term applied to a set of laws reserving U.S. domestic trade to qualified U.S.-flag vessels.

With respect to the international trade, the U.S. Government is already required to ship 100 percent of military cargoes and 50 percent of civilian cargoes financed by the U.S. Government in U.S.-flag vessels pursuant to cargo preference laws. However, those laws have not generally reached the purchases of all goods and materials financed by the Government. Cement and clinker, for example, currently used in state highway projects receiving partial federal financing are imported in foreign vessels.

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