

Customs Issues Jones Act Ruling on Inland Dredging



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Customs and Border Protection recently released a June 26, 2013 ruling regarding the use of a foreign-built, floating amphibious device used for excavation, dredging and aquatic weed cutting and harvesting. CBP noted that Jones Act and related dredging restrictions against the use of a foreign-built vessel only apply to U.S. navigable waters and that the Jones Act applies to all vessels including those not documented with the Coast Guard because they are too small (except in the case of fishing vessels owned by U.S. citizens or resident aliens.) CBP determined that the device was a “vessel” under applicable Supreme Court precedents, that harvesting marine vegetation constitutes “fishing” and the lifting of objects on board a vessel by a vessel’s crane constitutes a “lading” for purposes of assessing whether there has been Jones Act proscribed transportation of merchandise.

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