

Coast Guard Seeks to Clarify Guidance on How Public Companies Comply with the Jones Act

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On November 26, 2012, the U.S. Coast Guard published guidance on how public companies comply with U.S. citizenship requirements applicable to vessel owners or operators engaged in the U.S. coastwise trade (generally referred to as the “Jones Act”). The Coast Guard had solicited comments on the subject from the public on November 3, 2011, which are available [here](#) (docket USCG-2011-0619). The November 3, 2011 notice was generated by an investigation of the citizenship of Trico Marine Services, Inc., which concluded on January 12, 2011.

In the most recent guidance, the Coast Guard acknowledged the measures public companies utilize to monitor and determine compliance with citizenship requirements and concluded that these methods may be used as a “sufficient basis” for applying for coastwise trading vessel documents. The Coast Guard also recognized “that the choice of compliance measures is best left up to the individual company,” and that the Coast Guard “will be realistic about acceptable measures in the current trading environment.”

Although the Coast Guard did not directly solicit comments in the most recent notice, it indicated that it “will continue to listen to industry and the public and monitor events concerning this issue.”

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Author

[Charlie Papavizas](#)

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