

Customs Decides Not to Change Jones Act

SEPTEMBER 2, 2011

The Jones Act does not apply to the transportation of merchandise from one place in the United States to another place in the United States when the merchandise has been converted in an intermediate foreign place into a “new and different” product, such as the conversion of crude oil into gasoline. The law on what constitutes “new and different” goes all the way back to the Civil War. In 2008, Customs proposed changing the standard, along with its general rule of determining “rules of origin” for all Customs related decisions. The majority of the public comments criticized the Customs proposal, including the comments of the American Association of Exporters and Importers, and so on September 2nd, 2011, Customs announced it would only proceed with the rule change on selected items with little or no application to the marine world and not across the board.

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