

Congress of the United States
Washington, DC 20515

December 16, 2019

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

The Honorable Mick Mulvaney
Acting White House Chief of Staff
1600 Pennsylvania Ave
Washington, D.C. 20500

Dear Acting Secretary Wolf and Mr. Mulvaney:

We write regarding the Customs and Border Protection (CBP) Notice listed in the Customs Bulletin (Vol. 53, No. 38) published on October 23, 2019. We have concerns related to the “Proposed Modification and Revocation of Ruling Letters Relating to CBP’s Application of the Jones Act to the Transportation of Certain Merchandise and Equipment Between Coastwise Points” Notice, and respectfully request that the Administration not take any steps that will weaken the Jones Act.

While we applaud CBP for attempting to improve enforcement of the Jones Act on the Outer Continental Shelf and finally revoking and modifying letter rulings that allow foreign-flagged vessels to unlawfully transport merchandise within the U.S., we are concerned with significant aspects of CBP’s proposal. Specifically, we object to the portions of the “interpretive guidance” that create non-statutory loopholes to the Jones Act and contradict the rule of law. These aspects will undermine enforcement of the Jones Act, allowing the foreign-flagged vessels who rely upon them to continue taking work from U.S. mariners and shipyard workers – all in U.S. waters, without paying U.S. taxes.

Moreover, while the process laid out in 19 U.S.C. 1625 is correct for the revocation and modification of letter rulings, CBP does not have the authority to issue definitions that contradict the law. The Jones Act clearly prohibits foreign vessels from engaging in any part of the transportation of merchandise between U.S. points. The responsibility of amending the statute to properly balance U.S. national security with other U.S. interests rests with Congress alone, and no amount of agency-issued “interpretive guidance” or economic analysis by the Administration can change the separation of powers under the Constitution.

The Jones Act provides for our national, homeland, and economic security. It ensures that American workers in American shipyards build vessels that are manned by American mariners in U.S. waters. Foreign owned and manned vessels have unfairly undercut our domestic maritime industry with low wage maritime vessel and shipyard workers. They do not abide by laws applicable to U.S. ships and mariners and do not have our national security interests at heart.

U.S. workers, mariners, and the entire domestic maritime industry have been waiting over a decade for the Jones Act to be properly enforced. Therefore, we strongly believe CBP should proceed with revoking the letter rulings issued in contravention of the law and ensure the remaining components of its proposal do not violate the Jones Act.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senator

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United States Senator

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Mazie K. Hirono
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United States Congressman

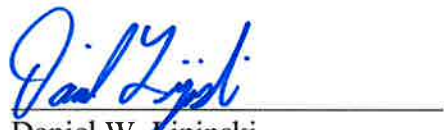

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United States Congressman



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United States Congressman

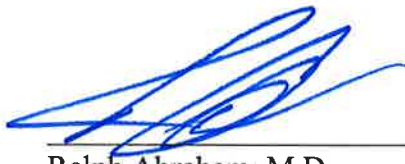

Mario Diaz-Balart
United States Congressman

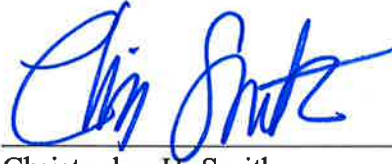

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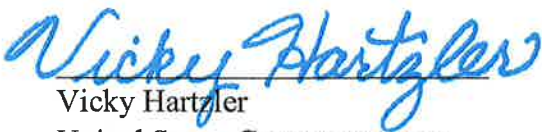
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