

Congress of the United States
Washington, DC 20515

May 29, 2018

Mr. Larry Kudlow
Director of the National Economic Council
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Mr. John Bolton
National Security Advisor
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. Kudlow and Mr. Bolton:

Congratulations on your respective appointments to the National Economic and National Security Councils. As you review the recent activities of the Councils, we respectfully request that the Councils refrain from making any recommendations that could weaken the enforcement of Jones Act.

In early 2017, U.S. Customs and Border Protection (CBP) attempted to revoke interpretations of the Jones Act concerning subsea operations on the U.S. Outer-Continental Shelf. At that time, CBP acknowledged these interpretations currently allow foreign-flag vessels to transport merchandise between U.S. points, and therefore are inconsistent with the Jones Act. This is the second time that CBP has acknowledged some of its interpretations do not conform to the law. Unfortunately, on both occasions CBP halted this revocation effort, allowing these flawed interpretations to remain in effect. As a consequence, foreign vessels continue to take work from U.S.-built, U.S.-crewed, and U.S.-owned vessels diminishing demand for U.S.-citizen mariners and U.S.-built ships.

Now, we understand that the Administration is studying how to address these letter rulings, including whether regulatory action is necessary or appropriate. As we've noted, CBP has now twice acknowledged that it is not following the law. The only way the Administration can address this issue is to enforce the Jones Act as written and revoke the letter rulings.

Congress has said that it "is necessary for the national defense and the development of the domestic and foreign commerce of the United States . . . [to] have a merchant marine . . . composed of the best-equipped, safest, and most suitable types of vessels constructed in the United States and manned with a trained and efficient citizen personnel."¹ The US armed forces may be the best equipped and most capable military in the world, but is of little use without US merchant marine to deliver those personnel and assets where they are needed around the globe. The only way to protect the pool of US mariners on whom the military relies is through steadfast enforcement of the Jones Act and US cargo preference laws, and full funding of the Maritime Security Program. In addition, American maritime companies employ thousands of hard working men and women in good paying jobs. In short, the Jones Act continues to provide for our national, homeland, and economic security, as intended by Congress.

¹ 46 U.S.C. § 50101(a)

As such, we believe the sole, lawful course of action is for the Administration to revoke the interpretations and enforce this important statute as written.

We look forward to working with both of you on this issue and any other way we can work together to advance our nation.


Sincerely,



Duncan Hunter
Member of Congress



John Garamendi
Member of Congress



Todd Rokita
Member of Congress




Mike Johnson
Member of Congress



Rodney Davis
Member of Congress



Garret Graves
Member of Congress



Ralph Abraham, MD
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Sam Graves
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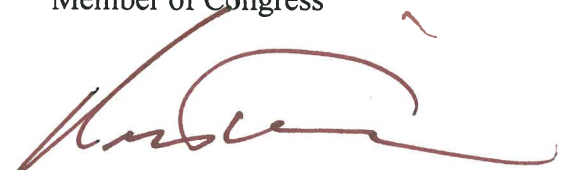

David P. Joyce
Member of Congress


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Member of Congress


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Member of Congress


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Christopher H. Smith
Member of Congress


Markwayne Mullin
Member of Congress


Lee Zeldin
Member of Congress

cc: Commissioner Kevin McAleenan, US Customs and Border Protection
Secretary Kirstjen Nielsen, Department of Homeland Security