

# United States Senate

WASHINGTON, DC 20510

May 21, 2018

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

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

Dear Mr. Kudlow and Mr. Bolton:

As you begin your respective tenures on the National Economic and National Security Councils and undertake a review of recent activities of the Councils, we respectfully ask that you to consider the importance of the U.S. maritime industry and the value of protecting American shipping and American trade. For both our national and economic security, we hope that any recommendations are made in the interest of strengthening enforcement of the 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 American-made, American-crewed, and American-owned vessels, diminishing demand for U.S.-citizen mariners and American-made ships.

We understand that the Trump 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 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."<sup>1</sup> The U.S. Navy and U.S. Coast Guard are the best equipped and most capable services and the mariners that compose the merchant marine are some of the most skilled mariners in the world. 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.

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 you both on this issue and others to advance our nation's interests.

Sincerely,

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<sup>1</sup> 46 U.S.C. § 50101(a)

Bill Cassidy, M.D.

Bill Cassidy, M.D.  
United States Senate

Robert Menendez

Robert Menendez  
United States Senate

Tammy Baldwin

Tammy Baldwin  
United States Senate

John Kennedy

John Kennedy  
United States Senate

Bob Casey, Jr.

Robert P. Casey, Jr.  
United States Senate

Brian Schatz

Brian Schatz  
United States Senate

Roger F. Wicker

Roger F. Wicker  
United States Senate

Doug Jones

Doug Jones  
United States Senate

Lindsey O. Graham

Lindsey O. Graham  
United States Senate

Mazie Hirono

Mazie K. Hirono  
United States Senate

Edward J. Markey

Edward J. Markey  
United States Senate

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

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