



Committee on Transportation and Infrastructure
U.S. House of Representatives

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, MO
Ranking Member

Katherine W. Dedrick, Staff Director

February 6, 2019

Paul J. Sass, Republican Staff Director

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

On December 21, 2018, a representative from U.S. Customs and Border Protection, pursuant to notice requirements under 46 U.S.C. 501(b)(3), informed the Committee on Transportation and Infrastructure that it had received a request from the Governor of Puerto Rico to administratively waive the Jones Act for a ten-year period for the movement of Liquid Natural Gas to Puerto Rico on foreign flag tankers. We are writing to express our opposition to this request and ask that you issue a denial of this waiver request.

The Jones Act has been a fundamental pillar of U.S. maritime policy for nearly a century. This policy, which exclusively reserves marine transportation between two points in the United States to vessels built, owned, and flagged in the United States, and manned by U.S. citizens, has served our Nation well. Not only has the Jones Act promoted vibrant economic growth and ensured national security, the Act has created hundreds of thousands of good paying jobs in our domestic maritime trades and shipbuilding industries.

It has come to our attention, however, that the administration is considering approval of the request from the Governor of Puerto Rico. We strongly oppose any such approval as an unwarranted action under 46 U.S.C. 501. Administrative waivers of the Jones Act are constrained purposefully to rare cases where such a waiver is “necessary in the interest of national defense.” Even in those cases where the Secretary of Homeland Security may consider a waiver based on the same national defense pretext, the Secretary is required to consider other information and additional conditions, such as the availability of U.S. flag vessels. It is our belief that no valid national defense rationale exists to support this waiver request of the Jones Act for Puerto Rico, especially for a ten-year period.

We can do many things to foster and support the recovery of Puerto Rico and its citizens from the devastation of Hurricane Maria, and our Committee has done so. However, we believe


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there is no justification for waiving the Jones Act in this context and that such a waiver would be contrary to the historic use of section 501(b). Again, we urge you to deny this request. We look forward to your swift decision.


Sincerely,




PETER A. DeFAZIO
Chairman



SAM GRAVES
Ranking Member



SEAN PATRICK MALONEY
Ranking Member
Subcommittee on Coast Guard and
Maritime Transportation



BOB GIBBS
Ranking Member
Subcommittee on Coast Guard and
Maritime Transportation