

# Shipping Under the Jones Act: Legislative and Regulatory Background

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## Appendix. Exemptions and Waivers

**Table A-1. Congressionally Enacted Jones Act Exemptions**

Year	Public Law #	Purpose of Exemption
1938	Pub. Res. No. 89	Allowed Canadian vessels to transport passengers between two New York State ports on Lake Ontario until such time as a U.S. operator stepped forward to offer the service.
1941	P.L. 77-90	Canadian vessels allowed to transport iron ore between U.S. ports on the Great Lakes this shipping season (subsequent amendments allowed same through 1952).
1941	P.L. 77-134	Canadian vessels allowed to transport members of American Legion between Cleveland and Milwaukee for their annual convention.
1947-1959	P.L. 80-277, P.L. 81-258, P.L. 81-584, et al.	Allowed passengers and certain commodities to be transported either on foreign or Canadian vessels between certain Alaska ports and other U.S. ports, if no Jones Act-qualified operator offering such service.
1951	P.L. 82-162	Allowed Canadian vessels to transport grain between U.S. ports on the Great Lakes during that year's harvest season.
1962	P.L. 87-877	Allowed temporary exemption to ship lumber from the U.S. Pacific Northwest to Puerto Rico in order to compete with Canadian sourced lumber.
1965	P.L. 89-194	Allows foreign-flagged container carriers to reposition their empty containers along U.S. coastlines.
1971	P.L. 92-163	Exempted Lighter Aboard Ship (LASH) barges, which are loaded barges carried aboard ships on international voyages, on their domestic leg between ship and river ports. LASH barges are no longer in use.
1984	P.L. 98-563	Exempts passenger travel between Puerto Rico and any other U.S. port as long as no Jones Act qualified operator is able to provide comparable service.
1988	P.L. 100-329	Exempts certain kinds of vessels used in the construction of offshore oil rigs.
1996	P.L. 104-324	Exempts vessels participating in oil spill clean-up operations.
1996	P.L. 104-324	Allowed certain foreign-flagged or foreign-built tankers, believed to number 37 in total, to transport LNG to Puerto Rico from any U.S. port. (These ships have not done so.)
1998	P.L. 105-383	Authorizes the Maritime Administration to grant waivers to small passenger vessels carrying no more than 12 passengers if it finds no adverse effect on U.S. vessel builders or operators. (MARAD has granted an average of 100 waivers per year.)
2002	P.L. 107-295	Allowed use of foreign-flag tanker in Jones Act trade if construction of a Jones Act-compliant tanker was delayed by unusual circumstances.
2010	P.L. 111-281	Exempts vessels used in the anchoring of oil rigs off the coast of Alaska.
2011	P.L. 112-61	Allowed three U.S.-built LNG tankers to reenter the Jones Act trade after they had become ineligible for sailing under a foreign flag. (None of the ships reentered, and all are now 40 years old.) Exempted support vessels in America's Cup sailing race in San Francisco Bay.

Source: CRS.

**Table A-2. National Defense Waivers of the Jones Act**

Partial List

Period	Purpose of Waiver(s)
1951	For vessels requisitioned by the government for any emergency evacuation.
Mid-1950s	Numerous waivers for Canadian vessels (tows, dredges, other workboats) involved in construction of the St. Lawrence Seaway.
1960s to 1970s	Several waivers granted to vessels transporting seabed cabling equipment.
1963	For carrying molten sulfur, up to nine months and up to 100,000 tons.
1965 to 1974	Several vessels transporting cargo or passengers from Florida to Puerto Rico.
1977	Various waivers for specifically named LNG and liquefied petroleum gas (LPG) tankers for shipments from Alaska or the Gulf Coast to the East Coast or Puerto Rico.
1989	Various specifically named vessels assisting in the <i>Exxon Valdez</i> oil spill cleanup.
1989	For one ship voyage carrying propane from Houston to Pennsylvania and to New Hampshire.
1990	For shipment of propane from Houston to Virginia.
1991	For drawdown of the Strategic Petroleum Reserve (SPR) due to the Persian Gulf War; duration of several months.
2005	To allow a foreign-flag heavy-lift vessel to transport a radar system from Texas to Hawaii.
2005	In response to Hurricane Katrina, to move Strategic Petroleum Reserve oil because pipelines were without power; duration about 18 days.
2005	In response to Hurricane Rita, to move oil from Gulf Coast; duration about one month.
2006	To allow an oil company to use a foreign-flag heavy-lift vessel to transport an oil rig from the Gulf Coast to Alaska.
2010	For oil spill cleanup from <i>Deepwater Horizon</i> , waiver was not actually effectuated, as spilled oil stayed beyond 3 miles from coast.
2011	To transport Navy high-speed vessel from Mobile, AL, to launch site.
2011	For drawdown of SPR due to conflict in Libya; duration almost two months.
2011	For an emergency fuel delivery to Nome, AK, by a Russian ice-class tanker.
2012	In response to Hurricane Sandy and fuel delivery to the Northeast.
2017	In response to Hurricanes Harvey, Irma, and Maria, for moving oil and for any product in the case of Puerto Rico.

**Source:** U.S. Customs Service communication to CRS, October 1998; CBP communication to CRS, November 2018.