



CONSORTIUM OF STATE MARITIME ACADEMIES
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April 18, 2017

Mr. Glen E. Vereb
Director
Border Security and Trade Compliance Division
Office of Trade, Regulations and Rulings
U.S. Customs and Border Protection

Via email: cbppublicationresponse@cbp.dhs.gov

Re: Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points

Dear Director Vereb:

On behalf of the Consortium of State Maritime Academies, we are writing to express our strong support for Customs and Border Protection’s (“CBP”) proposed modification and revocation of Jones Act letter rulings published in 51 Customs Bulletin and Decisions No. 3 (January 18, 2017) (the “2017 Notice”).

The consortium supports CBP’s proposal because proper enforcement of the Jones Act preserves our domestic maritime trade, including the energy exploration sector, for US-citizen shipowners and correspondingly creates job opportunities for our cadets. One of the primary purposes of the Jones Act is to insure that our nation has a strong base of highly skilled and well trained mariners to support our nation’s economic, national, and homeland security. We are encouraged by industry projections that this measure will create 1000’s of jobs for US citizens and contribute significantly to the economy of the Gulf region, a major shipping and offshore energy region.

The six State Maritime Academies – located in California, Maine, Massachusetts, Michigan, New York, and Texas – are regional, four-year, fully accredited colleges. These six schools collectively graduate 70% of our nation’s new Coast Guard licensed officers each year. In addition to operating world-class merchant mariner license officer programs, these academies provide education in a number of maritime-related fields, such as logistics, marine business and commerce, naval architecture and marine safety.

We support the Jones Act and a sound merchant marine which Congress has determined is “... necessary for the national defense and the development of the domestic and foreign commerce of

the United States” and are proud of our role in ensuring that our nation’s mariners are well trained and properly certificated.

We applaud CBP’s initiative in proposing this review of its rulings assure that they are consistent with these national policy objectives, are updated to reflect subsequent changes in the law and resolve inconsistencies that have developed over the years. This will help to ensure that the Jones Act continues to be interpreted as Congress originally intended.

Proper enforcement of the Jones Act will increase the market for our graduates. Together our state maritime academies are expected to graduate 972 mariners in 2017. Increasing these good-paying jobs not only improves the national security of our nation, but it also improves our nation’s economic security.

In understanding the broader benefits of the 2017 Notice it is important to recognize that it also improves the safety of offshore operations due to the increased training required of U.S. mariners. The mariner credential standards as set by the U.S. Coast Guard (“USCG”) with which our cadets comply exceed those imposed by the International Maritime Organization (“IMO”).

For example, the USCG has determined that a formal training course is the only way to demonstrate compliance with the international Standards of Training, Certification and Watchkeeping Convention (“STCW”) requirement for competency in shipboard search and rescue (“SAR”) training whereas IMO requires only a limited onboard, and often inadequate, assessment by the vessel Master.

Similarly, USCG standards exceed the STCW practice for engine room watchstanders. To qualify as a watchstander in an engine room STCW assessment tables specify that a mariner must demonstrate competency in what is vaguely described as “duties associated with taking over and accepting a watch” which is so broadly stated as to result in inconsistent, and ineffective, application across the foreign fleet. In contrast, to show mastery of the same competency, the USCG created a higher and more consistent standard for inspection of machinery spaces before taking over the engine room watch followed by very specific required procedures. Please see 46 C.F.R. 11.309(a)(4)(xi) for the requirements associated with competency in shiphandling and Navigation and Vessel Inspection Circular (NVIC) 17-14 for the USCG requirements for inspection of machinery spaces. These are only two examples of the higher standards with which U.S. mariners must comply and the corresponding improvement in the safety of offshore operations that will be enhanced by the 2017 Notice.

For these reasons, we urge CBP to expedite revocation of the letter rulings listed in the 2017 Notice. Taking such action, will ensure the Jones Act is enforced as written and improve safety for the industry as a whole.

We appreciate your thoughtful consideration of these comments and stand ready to answer any questions you may have or to provide additional information.

Sincerely,



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