



# EQUIPMENT OF THE VESSEL: RESTORING COMMON SENSE

Samuel A. Giberga  
Executive Vice President and General Counsel

Houston  
September 29, 2017

## TRANSPORTATION OF MERCHANDISE BETWEEN TWO U.S. POINTS

### Jones Act

A vessel may not provide any part of the transportation of **merchandise** by water ... between points in the United States ... unless the vessel...[is a qualified U.S.-flag vessel].... [T]he term “merchandise” includes ... valueless material.

Coastwise Transportation  
of Merchandise – Between  
2 U.S. Points



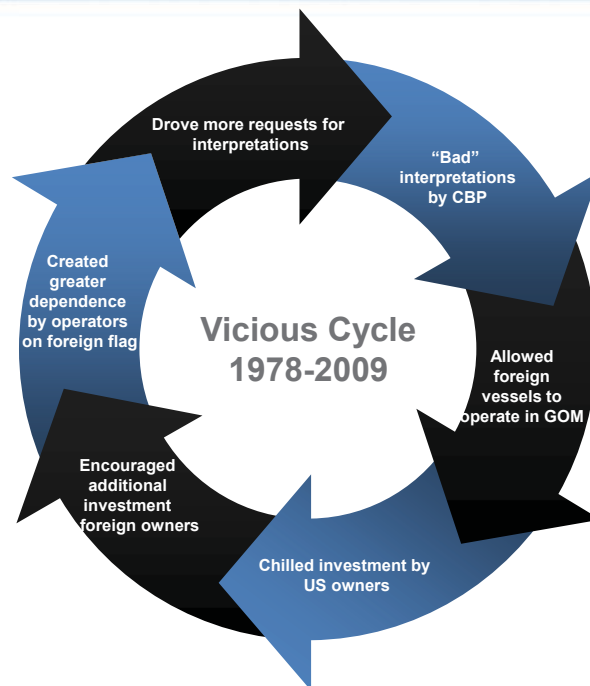
# WITNESS A JONES ACT VIOLATION

VIDEO



3

# OVER 160 FLAWED CBP LETTER RULINGS INVOLVING OCS OPERATIONS



4

# 2009 "CHRISTMAS TREE" NOTICE



5

## CBP's 2009 Notice



### Ancillary Transportation

"CBP recognizes that allowing foreign-flagged vessels to transport merchandise from one U.S. point and install that merchandise at another point on the OCS on the condition that it merely be accomplished 'on or from that vessel' would be contrary to the legislative intent of [the Jones Act]" .

6



**HORNBECK OFFSHORE**  
Service with Energy®

Find the full text of this and thousands of other resources from leading experts in over 30 legal practice areas in the [UT Law CLE eLibrary \(utcle.org/eLibrary\)](https://utcle.org/eLibrary)

## Title search: Jones Act and Cabotage Rules in the OCS

First appeared as part of the conference materials for the  
26<sup>th</sup> Annual Admiralty and Maritime Law Conference session  
"Jones Act and Cabotage Rules in the OCS"