

JONES ACT COMPLIANCE & SMALL VESSEL OPERATIONS

Guidelines for Marine Infrastructure, Piling, and Repair Work

Overview

Navigating the Merchant Marine Act of 1920 (the **Jones Act**) is a critical requirement for maritime commercial operations in the United States. While the Act generally requires vessels to be U.S.-built, U.S.-owned, and U.S.-flagged, its application to specialized infrastructure work—such as the maintenance of piles, wharves, and jetties—contains specific nuances for vessels under 5 net tonnes.

The "Work Platform" Distinction

A central concept in compliance is whether a vessel is engaged in the "transportation of merchandise" or acting as a stationary work platform. Customs and Border Protection (CBP) distinguishes between these two activities based on the primary function during the project.

Key Compliance Factor: If a foreign-built vessel is used as a stationary site for construction (e.g., a welding platform or crane base) and does not move materials between two U.S. points, it typically falls outside the restricted "transportation" category.

Vessels Under 5 Net Tonnes

Federal law requires vessels of 5 net tonnes or more to be documented with a coastwise endorsement to engage in commercial trade. Vessels under this weight threshold are exempt from federal documentation but must adhere to state registration rules.

- **Documentation:** Not required for vessels < 5 net tonnes.
- **Operational Limit:** Small vessels remain subject to the Jones Act's prohibition on transporting merchandise between U.S. points, even if they are exempt from documentation.

"Equipment of the Vessel" vs. "Merchandise"

When conducting repair work, the classification of the items on board determines the legality of using a foreign-built hull.

1. Equipment of the Vessel (Permitted)

Items necessary for the vessel's specific mission—such as tools, dive gear, welding machines, and safety equipment—are considered "equipment." Carrying these items to a job site is generally permitted, as they are used *by* the vessel to perform its task rather than being delivered as cargo.

2. Merchandise (Restricted)

Materials transported to a site to be "unladen" or permanently installed—such as new timber, steel piles, or concrete—are classified as merchandise. Transporting these items between two U.S. points (e.g., from a dock to a jetty) is a restricted activity for non-coastwise-qualified vessels.

Item Category	Example	Compliance Status
Operational Tools	Welder, Drills, Diving Rigs	Permitted (Equipment)
Vessel Supplies	Fuel, Lubricants, Spare Parts	Permitted (Equipment)
Construction Materials	Piles, Wharf Timbers, Concrete	Restricted (Merchandise)

Summary of Best Practices

- **Isolate Transportation:** Use a U.S.-built, coastwise-qualified barge or vessel to transport materials to the work site.
- **Mission Focus:** Ensure the foreign-built small vessel is configured as a dedicated repair unit where on-board items are tools of the trade.
- **State Compliance:** Ensure all vessels under 5 tonnes are properly registered and numbered according to the laws of the state of operation.

***Disclaimer:** This document is intended for general informational purposes only and does not constitute legal advice. Maritime regulations are subject to change and interpretation by U.S. Customs and Border Protection (CBP). Always consult with maritime legal counsel regarding specific vessel operations.*