



THE JONES ACT

ESSENTIAL TO AMERICAN BORDER
AND HOMELAND SECURITY &
THE PREVENTION OF ILLEGAL
IMMIGRATION

THE JONES ACT requires all cargo moved by water between two points in the United States be transported on American vessels with American crews. A mostly unseen, yet essential, Jones Act benefit relates to border protection, homeland security, and the prevention of illegal immigration.

America is a maritime nation. Much of its water is navigable—on the coasts, in the Gulf of Mexico, on the Great Lakes, and on the inland waterways of the United States. Centered on the Mississippi River and its connecting tributaries, the intracoastal waterways and the inland river system directly benefit 38 states in America’s heartland. These rivers cut through the heart of Middle America, often coursing through major cities and population centers, near bridges, schools, and sports stadiums.

“The prospect of terrorists on the inland waterways system is a particularly daunting challenge to homeland security. Via the inland waterways, a terrorist could reach America’s heartland and many of its largest and most important urban centers. ...Guarding every potential target along the inland waterways against terrorist attack is an impossible task.”¹

The Jones Act makes America stronger and its borders more secure by ensuring that the U.S. Coast Guard and Customs and Border Protection (CBP) carefully screen the owners, crewmembers, and builders of those vessels before receiving their licenses. They operate under specific regulations to ensure that America remains safe and secure.

The Department of Homeland Security considers the illegal entry of aliens through U.S. seaports by exploitation of maritime industry practices to be a key security concern.² The Jones Act and related coastwise laws “simplify efforts to ensure that rogue regimes and international terrorists cannot strike this country via its ports and waterways.”³

CURRENT JONES ACT SECURITY MEASURES

- American-built vessels
- American-crewed vessels
- American-owned vessels

POTENTIAL RISKS OF REPEAL

- Insufficient supply of militarily-crucial civilian mariners
- Reduction of militarily-vital shipbuilding capacity
- Reduced military sealift capacity
- Decreased homeland security
- Loss of economically vital American industry, including reduced transportation capacity, outsourced jobs, and lesser economic impact



**12,000 miles of
inland waterways**

Each year, upwards of five million seafarers enter U.S. ports, 85 percent of whom are aliens.⁴ Foreign-flag vessels entering U.S. seaports pose a variety of inherent risks to U.S. border security, including the threat of drug trafficking, arms smuggling, illegal immigration, cargo theft, and a variety of other transnational crimes.⁵ Entry of a foreign flagship into an American port triggers a number of security measures, which are costly and designed to mitigate security risks. The U.S. Government Accountability Office has found that the CBP already struggles with managing the volume of foreign seafarers. Without the Jones Act, the volume of seafarers entering the United States would

grow exponentially, as would the cost of monitoring and enforcement and the security risks.

The Commandant of the Coast Guard and senior Defense Department officials object to this risk. Congressmen Steve Scalise (R-La) and Duncan Hunter (R-Ca) have warned that “vessels and crews from foreign nations could move freely on U.S. waters, creating a more porous border, increasing possible security threats and introducing vessels and mariners who do not adhere to U.S. standards into the bloodstream of our nation.”⁶

American mariners – sometimes called merchant mariners – are the eyes and ears of American homeland security. Replacing these mariners and the vessels on which they work with foreign vessels and foreign mariners would negate this critical surveillance capability.

Imagine a world in which foreign ships and crews could move freely throughout 12,000 miles of inland waterways and American communities without supervision by the Coast Guard or the CBP.

“Were the Jones Act not in existence, the Department of Homeland Security would be confronted by the difficult and very costly requirement of monitoring, regulating, and overseeing foreign-controlled, foreign-crewed vessels in internal U.S. waters.”⁷

ABOUT AMERICAN MARITIME PARTNERSHIP

American Maritime Partnership (AMP) is the voice of the U.S. domestic maritime industry, a pillar of our nation's economic, national, and homeland security. More than 40,000 American vessels built in American shipyards, crewed by American mariners, and owned by American companies, operate in our waters 24/7, and this commerce sustains nearly 500,000 American jobs, \$29 billion in labor compensation, and more than \$100 billion in annual economic output.

REFERENCES

1. Dr. Daniel Goure, Lexington Institute, The contributions of the Jones Act to U.S. Security 17 (2011).
2. U.S. Gov't Accountability Office, GAO-11-195, Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, but Efforts Can Be Strengthened 12-13 (2005) [hereinafter, GAO, Seafarer Risks].
3. Dr. Goure, *supra* note 1, at 17.
4. GAO, Seafarer Risks, *supra* note 2, at 1.
5. John Frittelli, Cong. Research Serv. RS21079, Maritime Security: Overview of Issues 1-2 (2002).
6. Reps. Duncan Hunter & Steve Scalise, *Making Headway with America's Maritime Industry*, Wash. Times (Mar. 25, 2014), available at <http://www.washingtontimes.com/news/2014/mar/25/hunter-and-scalise-americasmaritime-industry-lead/>.
7. Dr. Goure, *supra* note 1, at 17.



1601 K Street NW
Washington, DC 20006-1600
Phone: 202-661-3740

Email: info@americanmaritimepartnership.com
www.americanmaritimepartnership.com