

**MARITIME ADMINISTRATION
REPORTING REQUIREMENTS
FOR THE SPECIAL PURPOSE JONES ACT WAIVER ISSUED IN
CONNECTION WITH HURRICANE SANDY RECOVERY**

On November 2, 2012, the Department of Homeland Security, in consultation with the US Department of Energy and the Maritime Administration, issued a waiver of the Jones Act to allow non U.S.-flagged oil tankers coming from ports in the Gulf Coast Petroleum Administration for Defense District (PADD 3) to deliver petroleum products to ports in the New England and Central Atlantic PADDs (PADDs 1A and 1B). That waiver was modified on November 3, 2012 to facilitate transportation of the necessary volume of other feedstocks, blending components, and additives used to produce fuels. Vessels under this waiver must load by November 13th and offload at their destinations by November 20th. (see www.dhs.gov search "Jones Act")

REPORTING REQUIREMENTS

In order to ensure the objectives of this waiver are achieved, as a condition to this waiver, vessels operating pursuant to its authority will report to the Maritime Administration, within 24 hours after loading or diversion, the name of each vessel so operated, its loading port, cargo carried and the amount carried, the date of loading or diversion and the planned port of discharge.

Within 72 hours after discharge of cargoes carried under this waiver, such vessels will report to the Maritime Administration the port, amount, and date of discharge.

The reports are to be sent electronically to:

Mr. Michael Hokana
Office of Cargo Preference and Domestic Trade
(202) 366-0760
michael.hokana@dot.gov

With copy to:

Mr. Dennis Brennan
Director, Office of Cargo Preference and Domestic Trade
(202) 366-1029
dennis.brennan@dot.gov

FAQs

Q. Who is required to make the reports?

A. The responsibility for making the loading or diversion report, as well as the discharge report is with the entity that would normally file for a Jones Act waiver during regular times. Typically, this is the shipper of the petroleum product, the controlling entity of the foreign vessel, or the law firm attorney or other designated person (assigns).

Q. Do Petroleum Products include crude oil? What about other products?

A. The waiver is for petroleum products, not crude which includes gasoline, diesel fuel, heating oil, jet fuel and the necessary volume of other feedstocks, blending components, and additives used to produce fuels.

Q. A great deal of port congestion is forecasted for New York harbor in the coming weeks. What if the vessel cannot deliver the petroleum product by November 20, 2012 as stipulated in Secretary of Homeland Security's waiver letter?

A. Vessels must have loaded by November 13th and delivered the cargo by November 20th according to the conditions specified. In the case of delivery validation during period of disruption or congestion in which a vessel may not be able to make it expeditiously to dock or lightering anchorage, official third party proof (USCG, U.S. Customs, or other agency documentation of arrival to the port) would be required. CBP/DHS review for substantive waivers of time regarding the loading and delivery date requirements would then be conducted on a case by case basis in coordination with MARAD.