October 27, 2026

The Honorable Rick Larsen, Ranking
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, DC 20515

The Honorable Salud Carbajal, Ranking
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, DC 20515

Dear Representatives Larsen and Carbajal:

On behalf of the American maritime labor organizations we represent, we thank you for your leadership in seeking accountability from both the Administration and Jones Act waiver beneficiaries regarding compliance with U.S. law. We particularly appreciate your commitment to ensuring that these extraordinary waivers are totally consistent with the national defense purposes for which they were intended and are not used to disadvantage American mariners and other American workers.

Your oversight has raised serious questions about compliance with the statutory safeguards and reporting requirements that you championed in the FY 2023 National Defense Authorization Act ("NDAA"). In fact, the foreign-vessel carriage of cargoes in our domestic trades by foreign flag vessels resulting from the granting of these waivers appears difficult to reconcile with the NDAA's requirement that a waiver be granted only when "necessary in the interest of national defense to address an immediate adverse effect on military operations."

The Administration, meanwhile, has provided Congress and the public with little of the required information regarding the need for the waivers and the availability of U.S. vessels as required by law. Waiver recipients have likewise fallen short of the NDAA's disclosure requirements. Although foreign vessel operators are required to explain the national-defense rationale for each vessel movement, many have

provided boilerplate responses and, in some cases, simply answered "not applicable." Numerous recipients also failed to report their waiver movements within the statutory deadlines you helped establish, while some appear not to have reported at all.

These concerns are especially troubling because the Jones Act waiver authority was intended to strengthen national security. Instead, the program appears to have enabled hundreds of domestic voyages by foreign vessels crewed by foreign mariners operating under exemptions from laws that Congress never intended to set aside. In several cases, waiver authority has reportedly been used by COSCO, a Chinese state-owned shipping enterprise that media reports allege are conducting espionage operations near U.S. coastlines. In another case, a foreign vessel was operated in U.S. domestic trade by Russian mariners.

Equally concerning are questions regarding compliance with U.S. wage-and-hour, employment, tax, and immigration laws. American mariners are required to satisfy extensive legal, licensing, and security requirements to operate in domestic commerce. When foreign mariners perform the same work without complying with comparable legal obligations, American workers are placed at a significant and unjustified competitive disadvantage.

Immigration law, for example, prohibits foreign crewmembers holding a D-1 visa from engaging in domestic commerce, yet many waiver operations appear to employ precisely such D-1 visa mariners. Likewise, recent IRS guidance raises substantial questions regarding the U.S. tax obligations of foreign mariners participating in these operations. Whether these laws are being followed deserves careful scrutiny. Beyond the economic consequences for American workers, these issues also have important national security implications, as foreign mariners are not subject to the same vetting, credentialing, and security requirements imposed on U.S.-credentialed mariners.

American mariners stand ready to support the nation's energy, transportation, and national security needs. We ask only for a faithful enforcement of the laws enacted by Congress. We appreciate your continued leadership on this issue and look forward to assisting with your efforts to conduct the rigorous oversight necessary to ensure that Jones Act waivers remain the rare exception Congress intended them to be.

Sincerely,

Kelly Anderson, President, American Radio Association
Willie Barrere, President, American Maritime Officers
David Heindel, President, Seafarers International Union
David Heindel, President, AFL-CIO Maritime Trades Department (MTD)
Matt Henning, President, Sailors' Union of the Pacific
Don Josberger, President, International Organization of Masters, Mates and Pilots
Anthony Poplawski, President, Marine Firemen's Union
Greg Regan, President, Transportation Trades Department, AFL-CIO (TTD)
Adam Vokac, President, Marine Engineers' Beneficial Association