

LEGAL UPDATES

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White House Considers Temporary Jones Act Waiver Amid Fuel Price Surge

As a surge in fuel prices and the escalating conflict in the Middle East cause a disruption in global energy flow, the White House is considering a temporary waiver of the Jones Act. This law, which requires cargo moving between U.S. ports to be carried on U.S.-built, flagged, and crewed vessels, has long been a central feature of U.S. maritime policy.

While the waiver has not yet been finalized, the proposal comes as fuel prices have rapidly increased due to both the situation in the Strait of Hormuz and broader market volatility.

What this means to you

For ocean shipping stakeholders, a temporary Jones Act waiver would have several important implications:

Expanded Vessel Options: A waiver would allow non-U.S.-flagged vessels to carry cargo between U.S. ports, boosting available ships for domestic shipments, improving supply chain flexibility, and reducing reliance on costly workarounds.

Potential Cost Relief: By opening domestic routes to international shipping, a waiver may moderate transportation costs for ports that have faced high fuel and commodity prices due to the limited availability of Jones Act-compliant vessels.

Competitive Pressure: Increased competition from international carriers could put downward pressure on freight rates for domestic legs, at least temporarily. This may benefit shippers.

A potential temporary Jones Act waiver highlights the need for flexibility in transportation and supply chain agreements. Shippers should review existing contracts and consider provisions addressing regulatory waivers, including authority to use non-U.S.-flagged vessels, cost allocation, and waiver-based sunset terms. Proactive contractual planning can help mitigate disruption, reduce uncertainty, and preserve operational continuity when emergency measures are implemented on short notice.

Contact us

If you have questions regarding provisions in shipping agreements that address Emergency Fuel Surcharges or other charges, please contact Julie Maurer, Benjamin Nashed, Serena Tang, or your Husch Blackwell attorney.