



Temporary waiver of the U.S. Jones Act: What to know

In a rare and potentially consequential move, the Trump Administration announced on 17 March 2026 a 60-day waiver of the cabotage provisions under the U.S. Jones Act.

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The decision, made on national security grounds and announced by the Office of the Secretary of War, granted exemption from the normally very stringent U.S. flag cabotage regulations governing cargo transported between U.S. ports on non-U.S.-flagged vessels.

The waiver applies exclusively to the shipment of specific commodities, more specifically certain energy and fertilizer products. However, as this is a new initiative relying on an infrequently used regulation, the initial provisions outlined may be subject to change before becoming final.

Implications for Members and clients

What are the details of the conditions currently announced? The U.S Customs and Border Protection ('CBP') issued a preliminary notice with details regarding how to comply with this limited waiver program:

[CSMS # 68096516 - Implementation of Jones Act Waiver Issued to the Department of War, Dated March 17, 2026](#)

This notice also includes a link to a list of cargo commodities that are covered by the waiver.

The waiver faces strong political opposition from the U.S. domestic shipping industry, and court action may be taken to block its implementation. Industry pressure may affect waiver conditions or programs, so it is crucial to regularly check information from CBP and the U.S. Maritime Administration (MARAD) online.

Members are reminded that, consistent with all Jones Act waivers, there are mandatory reporting obligations both prior to and following the relevant voyage. Accordingly, parties considering utilising the temporary Jones Act waiver are advised to seek guidance from qualified U.S. legal counsel. This is especially significant due to the strict enforcement of waiver terms; even minor infractions may lead to substantial penalties, which can include fines equivalent to the total value of the freight as well as forfeiture of the entire cargo. Naturally, there may be further legal considerations arising from charter party conditions or other contracts and agreements, which should be reviewed by qualified legal counsel. Your Gard claims handler is prepared to help you identify your risk and consider your best options for legal assistance.

Additional information

Members may wish to review the following resources for additional information:

- [Jones Act Waiver Issued in Response to Iran Conflict: Legal Analysis and Implications | Insights](#) (Holland & Knight)
- [Trump's Jones Act waiver raises complaints — but will it be challenged?](#) (Tradewinds)

We would like to thank colleagues [Claudia Botero-Gotz](#) , [Cheryl Acker](#) , [Müge Anber-Kontakis](#) and [Hugh Forde](#) for their valuable contributions to this article.

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