



**C. James Patti**  
Chair

May 13, 2022

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

RE: Docket Number DOT-OST-2022-0047

Dear Mr. Secretary:

USA Maritime, a coalition whose membership includes shipping companies operating U.S.-flag, U.S.-citizen crewed vessels in our nation's foreign trades, maritime labor unions representing the licensed and unlicensed men and women who crew these vessels, and their related maritime associations respectfully submits the following comments in response to the above-captioned Request published in the Federal Register April 28, 2022. USA Maritime directly or indirectly represents a considerable majority of U.S.-flag oceangoing vessels operating in the U.S.-foreign trade.

We appreciate the President's recognition of the importance of the maritime industry, and the Administration's commitment to a greater adherence to America's domestic Made-in-America and Buy American laws and policies and to the domestic preference laws for maritime transport as reflected in Executive Order 14005 issued January 25, 2021. This and other statements and actions by the Administration demonstrate a keen understanding that Ship American is a critically important component of our Nation's Buy American and Hire American policies and should be treated as such. As the President has stated, "the U.S.-flag merchant marine fleet and the men and women who operate U.S.-flag ships are crucial to America's national security, our international trade relationships, and economic development."

As the Department of Transportation considers a transitional waiver of the "Buy America" requirements for construction materials necessary to the timely implementation of the Infrastructure Investment and Jobs Act we ask that you support and enforce the application of existing "Ship American" or U.S.-flag cargo preference shipping requirements to materials purchased abroad pursuant to the transitional waiver or otherwise purchased in conjunction with the Infrastructure Investment and Jobs Act. As the President has also stated: "merchant ships do not sail, and U.S. mariners do not work, unless they have cargo." One way to ensure that American vessels have the base of cargo needed to continue their operations and to keep American mariners

employed is through the full compliance by all Federal shipper agencies and departments with existing cargo preference shipping requirements.

Consequently, we ask that the Administration reaffirm and make clear to all Federal departments, agencies and to other Federal, state and local entities responsible for the implementation of the Infrastructure Investment and Jobs Act that if Federal funds are used directly or indirectly to purchase foreign material or other commodities to implement the infrastructure program, U.S.-flag cargo preference shipping requirements apply to the transportation of such purchases to the United States.

Ensuring that U.S.-flag, U.S.-crewed vessels are used to carry such cargoes to the degree such vessels are available at fair and reasonable rates as required by law will help guarantee that the Infrastructure Investment and Jobs Act will not only benefit American workers who will rebuild and strengthen America's infrastructure but also the American mariners who will deliver what their fellow American workers need to do their jobs.

Executive Order 14005 makes it clear that the Biden Administration wants and expects that agencies of the Federal Government will strictly enforce our cargo preference laws and puts in place the oversight and enforcement mechanism to help ensure compliance that has been sorely lacking. We urge the Department of Transportation to reaffirm and ensure the strict adherence to cargo preference laws as you consider the proposed waiver in the Federal Register notice.

Thank you for your support for the U.S.-flag maritime industry and for America's maritime workers.

Sincerely,

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Chair  
USA Maritime  
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