

Puerto Rico Hurricane Recovery Amplifies Jones Act Scrutiny

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Ben Schupp (New Orleans) was interviewed by Law360 about the Jones Act in “Puerto Rico Hurricane Recovery Amplifies Jones Act Scrutiny”.

Because of the recent amendments to the law, Jones Act waivers are likely to become rarer or, at least, more restricted, according to McGlinchey Stafford PLLC member Benjamin O. Schupp, who specializes in maritime and admiralty law.

“The amendments were added in response to some backlash by U.S. vessel owners and seaman unions who saw the waivers becoming overused after the Trump [administration] Hurricane Maria and Hurricane Harvey waivers of 2017,” Schupp explained.

And regardless of what the law says, enough political pressure can yield waivers, albeit ones that are more limited to specified goals over a shorter period of time, according to Schupp.

“Some administrators may be tempted to use the Ukraine war in crafting a national defense justification for the delivery of fuel to Puerto Rico after Hurricane Fiona, but this seems a bit of a stretch,” he explained.

“History indicates that a 501(b) waiver can be had without stretching to find a national defense justification.”

Read more [here](#) (subscription required).

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