



Jeff R. Vogel

Member

Washington, D.C.

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Practice Areas

- Government Contracts
- Intermodal & Logistics
- Maritime Antitrust & Competition
- Maritime Corporate & Finance
- Maritime Regulatory

Industry Sectors

- Maritime

Education

- University of Miami School of Law, J.D., *cum laude*, 2008
- U.S. Naval War College, M.A., *with honors*, 2012
- University of Miami, M.A., 2008
- University of Maryland, B.A., 2003

Bar Admissions

- Maryland
- District of Columbia

Affiliations

Maritime Law Association of the United States

Propeller Club of the United States, Port of Washington, D.C.

Awards & Honors

- USDOT Superior Achievement Award (Bronze Medal)
- MARAD Superior Achievement Award (Bronze Medal)
- USDOT Partnering for Excellence Award
- CALI Excellence for the Future Award, Law of the Sea

Jeff focuses his practice on strategic and operational matters affecting the United States maritime industry and on government contracts across all industries. In the maritime space, Jeff routinely represents ocean carriers and maritime stakeholders in regulatory and financial matters before the Maritime Administration (MARAD), Federal Maritime Commission (FMC), U.S. Coast Guard (USCG), U.S. Customs and Border Protection (CBP), and U.S. Transportation Command (USTRANSCOM). He provides counsel on a wide range of federal maritime programs, including the Maritime Security Program (MSP), Cargo Preference, Title XI Federal Ship Financing Program, Capital Construction Fund (CCF), Construction Reserve Fund (CRF), and Deepwater Ports licensing. He regularly advises vessel operators regarding regulatory and contractual issues arising under the Jones Act, Passenger Vessel Services Act, Dredging Statute, and American Fisheries Act (AFA), ensuring compliance with U.S. citizenship and vessel documentation requirements in complex financing transactions.

In his government contracts practice, Jeff represents clients in a range of industries, including aviation, defense, engineering, health care, information technology, maritime, security services, and translation services. He has successfully prosecuted and defended bid protests before defense and civilian agencies, the Government Accountability Office (GAO), state courts, and local appellate public contract tribunals. He routinely counsels businesses on compliance with the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS), executive orders, Small Business Administration (SBA), statutory, and regulatory provisions incorporated into each federal contract. He also guides buyers and sellers through the M&A process by conducting due diligence to assess risk associated with the acquisition or sale of government contractors, negotiating appropriate protections, and obtaining mandatory government approval and contract novations.

Prior to joining the firm, Jeff worked at MARAD as the acting assistant chief counsel for Maritime Programs and lead attorney for Maritime Support Programs, where he led a team of attorneys overseeing all legal aspects of MARAD's national security and financial programs.

Jeff earned his undergraduate degree from the University of Maryland, College Park, and his law degree and Master of Arts in Marine Affairs and Policy from the University of Miami. He was also the first MARAD attorney ever selected to attend the United States Naval War College, where he earned a Master of Arts in National Security and Strategic Studies.

Experience

Successfully moved to dismiss claims by National Air Cargo Group ("NACG") for breach of contract, tortious interference, unfair competition, and prima facie tort against our client, Maersk Line A/S and its corporate parent, A.P. Moller Maersk A/S (APMM) (*National Air Cargo Group, Inc. v. Maersk Line Limited, et al.* 2019 U.S. Dist. LEXIS 166871, 2019 WL 4735426). The dispute stemmed from a Slot Exchange Agreement that Maersk Line A/S entered into with one of NACG's competitors, which NACG claimed violated an exclusivity provision in a subcontract it had executed with a corporate affiliate of APMM for the transportation of military cargo (which had been at the center of a separate dispute). NACG sought \$90 million in compensatory damages and \$100 million in punitive damages. In granting the motion to dismiss, the court adopted our arguments verbatim, holding that Maersk Line A/S was a separate entity

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which was not a party to the subcontract, that Maersk Line A/S's entry into the Slot Exchange Agreement could not possibly be deemed a breach of the subcontract by the affiliated entity, that a cause of action for tortious interference did not exist as a matter of law, and that the remaining claims were likewise meritless.

Filed comments on behalf of the Pacific Maritime Association (PMA), representing ocean carrier and marine terminal operator interests, in response to the Maritime Administration's (MARAD) Request for Information on Opportunities, Challenges and Impacts of Automated Transportation in a Port Environment. Current and proposed legislation, backed by longshoremen interests, restricts the use of \$600 million in annual funding under MARAD's Port Infrastructure Development Program for the purchase of automated port equipment. The comments filed aim to balance the conversation and clarify the role of automation in maintaining the competitiveness of U.S. west coast ports, which are facing increased competition from Canadian and Mexican ports.

Secured a favorable determination from U.S. Customs and Border Protection (CBP) on the return of a cash in-lieu-of bond deposit on behalf of our fishing company client, which had performed certain repairs to its fishing vessel at a Canadian shipyard. Upon return of the vessel to the United States, the client deposited cash in-lieu-of a bond with CBP in the event that *ad valorem* taxes were due on the value of the repairs. CBP's Vessel Repair Unit determined that no *ad valorem* taxes were due under the North American Free Trade Agreement, but declined to return the cash deposit, asserting that CBP has the authority to withhold deposits for up to five years for potential offenses under 19 U.S.C. § 1621 or up to six years for a breach of bond conditions under 28 U.S.C. § 2415. We successfully appealed to the CBP's Automotive and Aerospace Center of Excellence and Expertise, arguing that CBP's reliance on the cited statutory authorities was incorrect as a matter of law and the novel interpretation violated the Administrative Procedure Act, resulting in the client's deposit being returned in full.

Represented Global SuperTanker in a protest before GAO, successfully challenging technical restrictions in a U.S. Forest Service solicitation for aerial firefighting services. *Global SuperTanker Services, LLC*, B-414987 et al., 2017 CPD ¶ 345 (Comp. Gen. Nov. 6, 2017).

Served as counsel to Fishermen's Finest, Inc., in obtaining a Congressional waiver for the F/V AMERICA'S FINEST, granting the vessel previously withheld coastwise and fishery endorsements under the Frank LoBiondo Coast Guard Authorization Act of 2018, Pub. L. 115-7.

Acted as government contracts counsel to data and telecommunications company Lynn Electronics in an equity financing transaction with NewSpring Capital.

Represented multiple international vessel operating common carriers (VOCCs) and marine terminal operators (MTOs) in responding to Federal Maritime Commission inquiries under Fact Finding 28, focused on the practices of VOCCs and MTOs related to detention, demurrage, and per diem charges.

Represented a Jones Act operator in the equity acquisition of a deck barge fleet operator.

Served as counsel to a U.S.-flag ocean carrier in a vessel ownership restructuring under U.S. citizen trusts.

Acted as counsel to a security services company in the successful defense of a bid protest before the San Francisco Office of Contract Administration.

Served as lead counsel in the successful negotiation of the \$2.7 billion Amended and Restated Maritime Security Program Operating Agreement between 14 U.S.-flag ocean carriers and MARAD.

Negotiated grant agreements for thirty-two (32) national port development projects providing more than \$300 million in federal assistance for critical infrastructure upgrades under the Transportation

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Investment Generating Economic Recovery (TIGER) Discretionary Grants Program.

Acted as operational legal counsel, facilitating the deployment of the M/V CAPE RAY under a joint United Nations / Organization for the Prohibition of Chemical Weapons mission resulting in the destruction of 600 metric tons of Syrian chemical weapon agents.

Served as the primary maritime legal adviser to the U.S. Trade Representative during Trans-Pacific Partnership (TPP), Trade in Services Agreement (TiSA), and Transatlantic Trade and Investment Partnership (T-TIP) negotiations.

Oversaw the promulgation of revised regulations governing the MARAD's War Risk Insurance Program at 46 C.F.R. Part 308. 79 Fed. Reg. 17896 (March 31, 2014).

Developed oral and written testimony for the Secretary of Transportation, Deputy Secretary of Transportation, and Maritime Administrator for use before various House and Senate committees.

Crafted Congressional technical assistance, which served as the foundation for an extraordinary budget anomaly in the Continuing Appropriations Act, 2014, Pub. L. 113-46, providing full funding for the Maritime Security Program.

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