

MARITIME CABOTAGE



NEWS RELEASE

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IN “NO CASE” HAS THE JONES ACT HINDERED THE GULF CLEAN-UP EFFORT, NATIONAL INCIDENT COMMAND SAYS

There has been “no case” where the federal government has refused use of foreign vessels in the Gulf oil spill clean-up because of the Jones Act, according to a statement released by the National Incident Command (NIC).

Some have criticized the Jones Act, which requires the use of American vessels for transportation in domestic commerce, for hindering the Gulf clean-up. Not true, said the NIC and the Coast Guard.

“In no case has the Federal On Scene Coordinator (FOSC) or Unified Area Command declined to request assistance or accept offers of assistance of foreign vessels that meet an operational need because the Jones Act was implicated,” said a June 17 NIC Fact Sheet (attached).

The NIC Fact Sheet noted that foreign vessels from many nations are already working in the Gulf. The Jones Act only applies within three miles of shore. Therefore, foreign skimmers, along with American skimmers, are already at work beyond three miles. The Deepwater Horizon spill is occurring 50 miles from shore, and the vast majority of oil is beyond 3 miles.

In addition, the Coast Guard’s FOSC last week issued a determination allowing the deployment of foreign skimmers within 3 miles because of the need for

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unprecedented numbers of skimmers. Many American skimming vessels are already skimming in the Gulf and many more are standing by available but unused so far.

Federal law always permits waivers of the Jones Act to allow foreign vessels when no American vessel is available. The NIC has instituted streamlined procedures to ensure that such waiver requests are considered quickly during the Gulf crisis. However, “To date, no waivers of the Jones Act ... has been required because none of the foreign vessels currently operating as part of the ... response has required such a waiver,” the NIC said on June 17.

The Maritime Cabotage Task Force (MCTF), a national coalition of the American shipping and shipyard industry, called the criticisms of the Jones Act “unfounded.”

The MCTF said, “The American shipping industry cares deeply about the Gulf and has launched an all-hands-on-deck effort to help with the Gulf clean-up and more American vessels are standing by, eager to help. The Jones Act is no impediment to the clean-up for all the reasons outlined by the NIC and has not been an impediment to the use of foreign skimmers and other foreign vessels in the Gulf.”

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