

Maritime Cabotage Task Force

The Jones Act and the Gulf Oil Spill Clean-Up

The American Jones Act industry is a leader in the response to the Gulf oil spill, with hundreds of vessels already engaged in the clean-up and more standing by ready to assist. The Jones Act is carefully calibrated to help, but never hinder, the clean-up effort.

1) *Hundreds of American Jones Act vessels are already actively involved in the clean-up and many more are standing by to help as needed.*

The “Jones Act” refers to several sections of federal law that reserve certain maritime transportation services for U.S.-built, U.S.-flag, and U.S.-crewed vessels. The American domestic fleet and related maritime infrastructure are the envy of the world, and, in fact, thousands of American oil spill response vessels, offshore supply vessels, salvage vessels, towing vessels, barges, fishing vessels, and other vessels are available across the nation’s coastlines to respond to incidents such as this oil spill. Hundreds of such vessels are being used now to respond to the BP oil spill in the Gulf of Mexico, and additional state-of-the-art American vessels are available to assist as needed. In addition, the shipyard industrial base in the region, which builds and repairs the vessels that work in the offshore oil patch, is standing by to assist in the maintenance and repair of the numerous vessels needed to meet this disaster.

2) *Many specialized vessels like skimmers are not required to be Jones Act vessels.*

Federal law includes special allowances to ensure an adequate supply of vessels during an emergency like this. For example, many “skimmers” – vessels that skim oil from the Gulf water surface – are currently operating outside of 3 miles from shore and therefore do not need to be Jones Act vessels. The Jones Act is not an impediment to using these foreign vessels.

In addition, even within 3 miles, the Coast Guard Federal On-Scene Commander (FOOSC) may use foreign skimmers when an adequate number and type of U.S. oil spill response vessels are not available. The FOOSC does not need to ask the President, the Secretary of Homeland Security, or even the Commandant of the Coast Guard for permission to use foreign skimmer vessels under this authority.

Today, most of the skimmers being used in the Gulf are American vessels. Often, the skimmer vessels are operated by American fishermen and others whose livelihood has been destroyed by the spill.

3) *The Jones Act can be waived to bring in a foreign vessel when no American vessel is available.*

When there is a need but no American vessel is available, U.S. Customs and Border Protection (CBP) in the Department of Homeland Security is authorized to waive the Jones Act and bring in a foreign vessel. The Maritime Administration in the Department of Transportation is responsible for promptly determining, and informing CBP of, the availability of qualified Jones Act vessels for specific transportation requirements described in such waiver requests. The American maritime industry has not and will not stand in the way of the use of these well-established waiver procedures to address this crisis.

On June 15, 2010, Admiral Thad Allen, USCG, the National Incident Commander for the BP oil spill, announced the development of specific guidance to ensure the accelerated processing of requests for Jones Act waivers. His announcement further streamlines an already streamlined process.

For more information about the Jones Act, contact Mark Ruge at the Maritime Cabotage Task Force at 202-661-9100.

June, 2010