

Is the Jones Act Stopping Foreign Ships from Helping in Oil Spill Cleanup?

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By: Nicole Creston

June 23, 2010 -- As tar balls from the BP oil spill continue to wash up on Panhandle beaches, there's a lot of talk about a US law that may or may not be keeping foreign ships from helping with the spill cleanup. It's called the Jones Act. Florida Senator George LeMieux signed a letter late last week with over a dozen of his colleagues asking the White House to clarify the law. Texas Senator Kay Bailey Hutchison wants Congress to suspend it altogether. But some say the law doesn't even apply to the oil spill. 90.7's Nicole Creston talked to a Florida maritime expert to get a lesson in The Jones Act.

Retired Coast Guard Captain Dennis Bryant of Gainesville practiced maritime law for 15 years. He says the Jones Act is one of several regulations that have been around in various forms since America was founded.


"This is purely an economic statute to foster domestic maritime commerce by restricting certain trades to US-flagged, US-crewed vessels," Bryant explains. In other words, only domestic ships can carry goods from port to port within 3 miles of the US coastline, unless they get a waiver from the federal government.

Some lawmakers say they've heard the Jones Act is stopping foreign oil skimmers from helping with the oil spill cleanup. But Bryant says the law probably isn't to blame. "The impediment, if there is one, has been that there hasn't been a valid offer for a foreign response vessel," he notes.

Bryant adds that many foreign oil skimmers may not be willing or able to leave their current jobs yet to help with the spill cleanup. "The vessels over there are probably gainfully employed doing other things, and they would then have to get them out of whatever contract they're under now," says Bryant. "The amount of oil spill response vessels in the world is not that great."

Bryant also points out that, since the strictest provisions of the Jones Act only apply within 3 miles of the US coast, it's easier for foreign ships to help with cleanup operations farther out in the Gulf, near the Deepwater Horizon well itself. In fact, the ship siphoning oil from Deepwater Horizon's broken wellhead is a foreign-flagged ship; the Discoverer Enterprise was built in Spain and flies the Marshall Islands flag.

Also, Bryant says the Jones Act waiver process has been fast-tracked like it was during Hurricane Katrina, so if any foreign ship wants to help closer to the shore, it could have a waiver within 48 hours.

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