



## OMSA NEWS RELEASE

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### **A MORAL OBLIGATION, NOT A LEGAL OBLIGATION, REQUIRES THE USE OF U.S. VESSELS IN GULF COAST OIL SPILL CLEANUP**

Harahan, LA -- Recent news stories have been erroneously reporting that foreign skimming vessels are not able to work on the BP oil spill clean up because of the Jones Act. These reports are incorrect. The Jones Act does not apply and therefore does not prevent foreign vessels from working on oil skimming operations in waters beyond the state's three-mile limit. In fact, a number of foreign vessels have been working at the scene for some time.

For skimming activities within any state's three-mile limit, longstanding and established law says that any such work, including the skimming activity, must be performed by a U.S. vessel, if one is available. If a U.S. vessel is not available, there is a waiver process that can be used to bring in foreign vessels. We are not yet aware of any waiver request being made because a U.S. vessel is not available. The important distinction is that under the Jones Act, foreign vessels may be used only if U.S. vessels are not available.

"Once again, it appears that critics of the Jones Act are distorting the facts by claiming that the Jones Act applies in an instance when it simply doesn't, or where it does, not being forthcoming with the law and the facts. Worse, they are taking advantage of this disastrous situation to undermine American workers for the benefit of foreign companies and foreign workers," said Ken Wells, President of the Offshore Marine Service Association (OMSA). "But even in instances where the law does not require the use of a U.S. vessel, BP should make every attempt to hire U.S. vessels and their workers. The entire Gulf Coast and surrounding areas have been hurt by the BP spill. The seafood and tourism industries have suffered. And it doesn't make sense now to put the Gulf Coast maritime industry out of work just to give jobs to a few foreign boats," he continued

OMSA, on behalf of the owners and operators of U.S. flag vessels that work in the offshore energy sector, is working diligently to make sure that the spill is brought under control and cleaned up as quickly as possible. OMSA is also making sure that available

American vessels are put to work and, if a waiver is necessary, that this is accomplished quickly and effectively.

“We want to make crystal clear that in no way, shape or form are we taking any action that hampers the spill cleanup effort. However, this should not become an excuse for foreign companies to take advantage of this tragic accident for their own gain or for opponents of the law to try to undercut it,” Wells said.

The Jones Act is the common name for the U.S. cabotage laws, which say that only U.S. flag vessels with coastwise endorsements may transport merchandise or passengers between points in the United States. The original cabotage laws trace back to the founding of our nation and have served to maintain a domestic shipbuilding and maritime industry throughout our history.

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*[www.offshoremarine.org](http://www.offshoremarine.org)*