

Congress of the United States

Washington, DC 20515

January 20, 2011

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

RE: Odyssey Marine Exploration Inc., versus Kingdom of Spain, et al.
U.S. Court of Appeals for the Eleventh Circuit
Case Number 10-10269

Dear Madam Secretary,

We write today to express grave concern and ask for immediate action as it relates to the U.S. government's unfathomable course of action in its approach to the Black Swan shipwreck discovery by Odyssey Marine Exploration, Inc.; inasmuch as the U.S. government has staked a position contrary to applicable federal and international law. As members of the United States Congress, it is particularly troubling that our own government is ceding our sovereignty to foreign entities.

In short, the position advanced is that property aboard a foreign vessel may be immune from the jurisdiction of the U.S. Courts even if that vessel was on a commercial mission and even if the property was not owned by the foreign government. Prior to this case, the U.S. position has always been consistent with international law and U.S. naval regulations – a vessel and the property it carries will only enjoy sovereign immunity when a vessel is engaged in military, noncommercial activity. The potential dangerous ramifications of the switch in position (which appears to have occurred for reasons outside of the case itself) are clear. We have filed a brief in the case clarifying the proper interpretation of the law as it relates to foreign sovereign immunity.

More recently, the Eleventh Circuit Court of Appeals in the above-referenced matter has entered an Order for the United States to Show Cause as to why the Motion to Strike the U.S. Amicus Brief filed by Odyssey Marine Exploration, Inc. should not be granted. Odyssey's motion is based in part upon the recent WikiLeaks revelation that the U.S. government's involvement in the case was apparently being offered to Spain in exchange for assistance in retrieving a French painting owned by a U.S. citizen and currently housed in a Madrid museum.

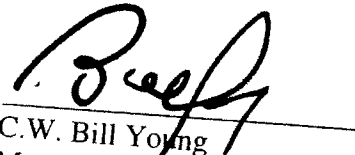
Odyssey has previously written to express concern and has made requests for more information regarding this matter, but has received no response. We urge the United States not to respond to the Eleventh Circuit's Order, or to respond by withdrawing the U.S. amicus brief. Aside from the question of dealings between the U.S. and Spanish governments that may be behind the filing, the substance of the filing itself is quite troubling from a policy perspective.

We request that the United States withdraw its statement in the case and allow the judicial branch to make the appropriate determination of jurisdiction in the case after considering all relevant facts and legal issues.


Sincerely,



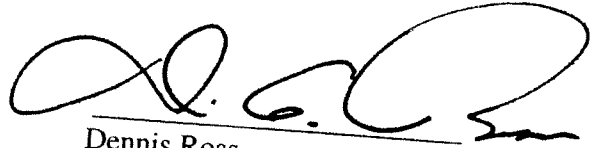
Gus M. Bilirakis
Member of Congress



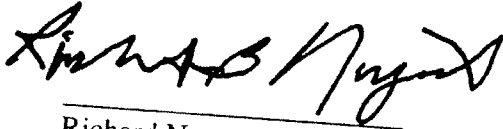
C.W. Bill Young
Member of Congress



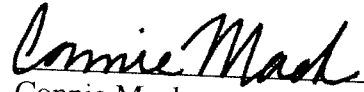
Thomas Rooney
Member of Congress



Dennis Ross
Member of Congress



Richard Nugent
Member of Congress



Connie Mack
Member of Congress