

# Congress of the United States

Washington, DC 20515

August 27, 2009

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

The Honorable Eric H. Holder, Jr.  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington DC 20528

Dear Secretary Clinton and Attorney General Holder:

We are writing to express our concern regarding the U.S. Government's approach to the Black Swan shipwreck discovery by Odyssey Marine Exploration, Inc., and the intervention of the Kingdom of Spain regarding the recovered treasure. We urge the Departments of Justice and State to avoid taking any position in the litigation and allow the judicial process to play itself out.

Reports have indicated that in the spring of 2007, Odyssey discovered a site in deep water with no actual shipwreck present, but a load of cargo including 590,000 coins in clumps, bars of tin, copper and other artifacts that covered an area approximately the size of six football fields. Later, these coins and artifacts were recovered by Odyssey.

The Kingdom of Spain filed a claim in the case asserting that the sunken treasure was taken from the Nuestra Señora de las Mercedes, a Spanish naval vessel that sank in 1804 while transporting mostly private cargo for commercial purposes. Spain has asked the federal court in the Middle District of Florida to dismiss the case for lack of jurisdiction under the Foreign Sovereign Immunities Act (FSIA). We understand that Spain has asked the U.S. Government to file a Statement of Interest in the case on Spain's behalf.

We understand that Odyssey Marine Exploration, Inc. employs approximately 150 people, including contractors; and it supports over 50 other Florida companies. Further, we are informed that Odyssey provides valuable historical and archaeological services to the world at no cost to U.S. taxpayers.

More generally, U.S. Government positions toward the Black Swan matter will help determine incentives for responsible commercial archaeological practices in the future. We are told that Odyssey has willingly shared information regarding the Black Swan recovery with Spain, with the Court and with the Executive Branch, and that Odyssey has worked with Spain in the past on shipwreck projects including the HMS Sussex project involving a shipwreck believed to be a British sovereign vessel, with a potential Spanish interest. Finally, we understand that Odyssey has a long track record of working amicably with foreign governments to involve them with cultural heritage that may be related to their history.

Based on the aforementioned reports, we respectfully request that the Department of Justice and Department of State refrain from interceding at this time in this legal


dispute on Spain's behalf. We also believe that a negotiated settlement between the parties that addresses both Odysseys' interests and the Kingdom of Spain's interests is a better solution.

We appreciate your attention to this matter of interest to an important U.S. company and many individual U.S. citizens, and we thank you in advance for your cooperation.

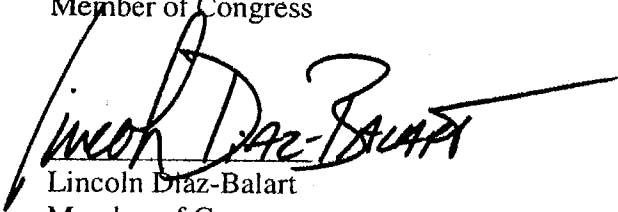
Sincerely,



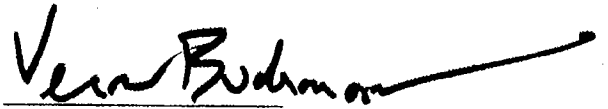
Gus M. Bilirakis  
Member of Congress



Connie Mack  
Member of Congress



Lincoln Diaz-Balart  
Member of Congress



Vern Buchanan  
Member of Congress