

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

August 16, 2010

The Honorable F. James Sensenbrenner, Jr.
U.S. House of Representatives
Washington, DC 20515

Dear Representative Sensenbrenner:

Thank you for your June 21, 2010 letter to President Obama regarding the Deepwater Horizon cleanup effort and waivers of foreign vessels under the Jones Act. The White House has asked me to respond. Since the beginning of this response, the Department of Homeland Security has been focused on bringing all necessary resources, both foreign and domestic, to fight this spill and restore the Gulf. To be clear, this historic deployment of resources has included assets from across our country and around the world.

As part of the largest response to an oil spill in U.S. history, dozens of foreign-flagged vessels from around the world were deployed in the Gulf of Mexico, including skimmers. The Jones Act has played no role in the decision to accept or deploy resources that could benefit this response and the Department has not declined any foreign offer of assistance because of Jones Act concerns.

In fact, several proactive steps were taken to ensure that the Jones Act would not impact response operations. These steps included a directive by the National Incident Commander to provide an expedited review process should any vessel potentially need a Jones Act waiver to operate. The Federal On-Scene Coordinator made a determination under 46 U.S.C. §55113 in coordination with other Federal agencies that foreign specialized skimming vessels may be deployed to response operations without any need for a Jones Act waiver, if the foreign country provides similar privileges to U.S. vessels.

As part of the response, I have granted two Jones Act waivers for seven foreign flagged vessels involved in the direct containment operation at the wellhead to avoid any delay should these vessels need to evacuate the well site and relocate in coastal waters due to extreme weather.

The National Incident Command has worked and continues to work closely with the Department of State and the Department of Transportation's Maritime Administration to solicit aid from international partners as necessary. The Department of State has solicited and received offers of aid from foreign governments, while the Maritime Administration has solicited and received offers of response equipment from private parties, both foreign and domestic. Both the

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Department of State and the Maritime Administration have submitted all offers of assistance to the Unified Area Command, which reviews the offers to determine if they fulfill a critical need.

Additionally, in order to properly resource the Deepwater Horizon spill response, the U.S. Coast Guard has established a process to identify as well as allow individuals, organizations, and companies to volunteer assets that may be useful in this response. The information and form for submitting any information on such equipment and technologies is available at: www.homeport.uscg.mil/skimmers.

The Department's objectives remain constant and clear: permanently kill the leaking well; continue to identify and mitigate oil that remains offshore; clean up oil quickly if it comes ashore; continue to protect environmentally sensitive areas; and continue to ensure that a robust claims process exists to support the communities and individuals that have been adversely impacted by this event. We will continue to ensure the response receives all necessary equipment to respond to this event.

Thank you again for your letter. I hope to continue to foster a close working relationship with you on this and future homeland security matters. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,



Janet Napolitano

cc: Carol Browner
Assistant to the President for Energy and Climate Change