

Congress of the United States

Washington, DC 20515

March 8, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Napolitano and Secretary LaHood:

We are writing to ensure that the Departments of Homeland Security and Transportation comply with recently-enacted requirements designed to ensure the use of American vessels employing American workers to support the transportation of oil should a drawdown from the Strategic Petroleum Reserve (SPR) occur.

Congress included two provisions in the Fiscal Year 2012 appropriations bills prohibiting the use of appropriations for the approvals of waivers of the vessel-navigation and inspection laws (i.e., Jones Act waivers) unless the Departments first comply with certain requirements to ensure that oil from these SPR drawdowns will be transported on American vessels. Under these new laws, no waiver approvals may be granted until the Department of Homeland Security “takes adequate measures to ensure the use of United States flag vessels” after consulting with “the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry” on such measures [*Section 529 of Division D of the Consolidated Appropriations Act, 2012; P.L. 112-74*].

Additionally, no waivers may be granted unless “the Secretary of Transportation, after consultation with representatives of the United States flag maritime industry, provides a list of United States flag vessels with single or collective capacity capable of providing the [transportation services requested by the Department of Energy] and a written justification for not using such United States flag vessels” [*Section 172 of Division C of the Consolidated and Further Continuing Appropriations Act, 2012; P.L. 112-55*].

Following the June 2011 release of oil from the SPR, the Administration waived the Jones Act nearly 50 times to allow foreign vessels to transport oil from the SPR, despite the fact that numerous American vessels were readily available to assist with the transportation of the oil released from the SPR. As a result of these actions, Congress imposed the requirements in the above-referenced appropriations bills to ensure that the Administration does not grant unnecessary waivers for foreign vessels.

If the government decides it is necessary to implement a future drawdown of the SPR, the Departments must be prepared to comply immediately with the new requirements and ensure that American vessels are used to assist in the transport of this oil. These new requirements will take

time to implement and we believe the Departments should begin working on an execution plan now.

Thank you for your attention to this important matter.


Sincerely,



PETER KING
Member of Congress



BENNIE THOMPSON
Member of Congress



DAVID VITTER
United States Senator



MARY LANDRIEU
United States Senator



CANDICE MILLER
Member of Congress




ELIJAH CUMMINGS
Member of Congress



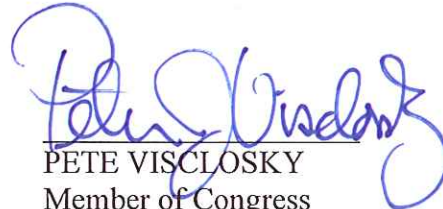
MARK BEGICH
United States Senator



PATTY MURRAY
United States Senator



CHARLES BOUSTANY
Member of Congress



PETE VISCLOSKY
Member of Congress



JEFFREY LANDRY
Member of Congress



FRANK LoBIONDO
Member of Congress



DANIEL INOUE
United States Senator

Cc: The Honorable Steven Chu, Secretary, Department of Energy
The Honorable David Matsuda, Administrator, Maritime Administration