

GCCF

Gulf Coast Claims Facility

www.GulfCoastClaimsFacility.com

October 18, 2010

The Honorable Jeff Sessions
United States Senate
Washington, DC 20510-0104

Dear Senator Sessions:

I am in receipt of your letter of October 12, 2010, and hasten to reply pursuant to your requested deadline of Monday, October 18. It is my understanding that you plan to distribute my response to your constituents.

In your letter, you pose questions concerning five issues regarding my administration of the Gulf Coast Claims Facility:

- The Gulf Coast Claims Facility (“GCCF”) will be able to compensate claimants for future losses. The Facility will remain up and running through August 2013, with the goal of compensating eligible claimants for future financial harm that may today be uncertain and unpredictable. Eligible claimants will likely have a choice during this three-year extended period: accept a final payment in full and final satisfaction of any current and future damage or, in the alternative, accept interim payments during this three year period until the claimant decides that a final payment is warranted. Each claimant will decide what is best in the particular case.
- Yes, in evaluating claims we do “consider the seasonal nature of the tourism industry.” I recognize that end-of-year tax information “is not always an accurate measure of expected revenue in the period between Memorial Day and Labor Day.” That is why we have made seasonal adjustments in calculating the damage awards of individual and business claimants.
- The issue of “transparency” is of critical importance to me and one that I am addressing at the present time. First, we are greatly enhancing the ability of individual claimants of Alabama and elsewhere to secure more detailed information about the nature and status of their respective claims. These programming changes

will be available in the next few days. These changes will provide more detailed and enhanced information to be made available to claimants regarding the status of their claims, including whether additional documentation is required or if a payment is in process. We will also be posting on line information providing explanations of the calculations of the payment amounts received. Claimants will be able to obtain additional detailed information

- i. online through the GCCF Website using their claimant identification number;
- ii. by calling the toll free Call Center;
- iii. by visiting one of the 35 site offices in the Gulf.

We are training and assigning staff at the site offices to better explain both the status of a claimant's claim and explanations of payment amounts received for paid claims. For business claims, a request can be made to the Call Center for explanation of the claimant's payment calculation which will be referred to a special team and then referred to the Fund's Accounting Staff for response. An accountant will respond in 24 hours by contacting the claimant and providing a detailed explanation of the calculation. Additionally, the GCCF has assigned individuals to act as state representatives specifically to respond to Congressional and other Government Agency questions regarding the status of constituents' claims. These individuals and their contact information follow:

AL: Abbe Darr
LA: Abbe Darr
TX: Jacqueline Gomes
MS: Lauren Granger
FL: Lauren Granger

Here are the toll-free numbers and email addresses for each state:

888-742-5007 -- AL	AlabamaLiaison@GCCF-Claims.com
888-309-4960 -- LA	LouisianaLiaison@GCCF-Claims.com
888-309-4984 -- TX	TexasLiaison@GCCF-Claims.com
888-309-4986 -- MS	MississippiLiaison@GCCF-Claims.com
888-309-4992 -- FL	FloridaLiaison@GCCF-Claims.com

A Congressional Claimant Information telephone number is also available for members of Congress and other government agency officials: 888-524-1576.

I also plan to retain the services of additional local individuals in each of the Gulf States who will be available to respond to individual concerns expressed by local

claimants, both individuals and businesses. I am currently formulating this plan which I intend to implement in conjunction with, but prior to the processing of, final payment claims after November 23; as a result, claimants in Alabama and elsewhere will be able to have direct access to a local contact ready to respond to their concerns.

- All claims for Emergency Advance Payments filed prior to November 23, 2010, will be processed. These are payments which require no waiver of any rights by any claimant. In addition, each claimant may, if he/she so desires, file a claim for a Final Payment. Receipt of a Final Payment, unlike an Emergency Advance Payment, will require the claimant to sign a litigation release. The calculation of Final Payments will include deductions and offsets for any Emergency Advance Payments already received by the claimant. The GCCF has made it clear to each claimant who may choose to file for an Emergency Advance Payment, that acceptance of such a payment in no way requires the claimant to file for a Final Payment. That choice is strictly up to each claimant. In most cases, eligible claimants have received Emergency Advance Payments in the same amounts they requested. The GCCF has, on occasion, determined that consistent treatment among claimants requires the issuance of supplemental payments. Under these circumstances, a second check has been issued to disadvantaged claimants. The process for the evaluation and payment of Emergency Advance Payments is spelled out in some detail in the GCCF "Frequently Asked Questions and Answers" available on our website and at each of our 35 claims offices located throughout the Gulf Region.

Any individual claimant dissatisfied with his/her Emergency Advance Payment for Federal Oil Pollution Control Act removal costs and damages may file a claim with the National Pollution Fund Center, the Coast Guard office responsible for evaluating and approving OPA claims; if the payment is for physical injury, or death, the claimant may resort to the courts for additional relief (but not the Coast Guard).

I do hope that this response to your October 12 letter is both timely and informative. I greatly appreciate all of your help (and occasional constructive criticism) as I attempt to implement and administer the GCCF. I am available to meet with you or your designees at any time.

Sincerely,

Kenneth R. Feinberg
Administrator
Gulf Coast Claims Facility