

March 29, 2011

The Honorable David Vitter  
United States Senate  
Washington, DC 20510

Dear Senator Vitter:

I am in receipt of your letter of March 24 accusing me of “making empty promises to Louisianians [and] hiding behind confidentiality...” You also state that my “personal promises at the town hall meetings were meaningless.” You attached to your March 24 letter a Memorandum listing seven individual/business claims in an attempt to corroborate your accusations.

Senator, I have reviewed all seven claims referenced in your Memorandum. I provide the following information in response to each of these inquiries while maintaining my commitment to the confidentiality of the claimants’ personal information:

- One claimant had an individual Emergency Advance Payment denied because the individual claim overlapped with a simultaneous business claim that had already been paid. Additionally, the documentation demonstrated that the claimant was a salaried employee who had suffered no reduction in salary during the Emergency Advance Payment period. She was so notified on January 6, 2011. The claimant’s Interim claim is now under review and the claimant was notified on January 31, 2011 that documentation is required.
- One business submitted a request for Emergency Advance Payment in an amount 2 ½ times the business’s total gross sales as reflected in the 2009 business tax return. The claimants were so notified in December of 2010. One of the claimants submitted income documentation consisting solely of a letter from her mother as the business owner; but the letter detailed individual earnings in excess of the business’s total 2009 gross sales as reported in the submitted documentation.
- One claimant mentioned in your Memorandum has already received almost \$1 million in an Emergency Advance Payment. But the claimant has yet to file either an Interim or Final claim for his business.

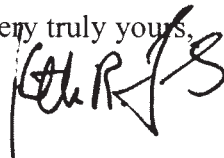
- One claimant you mention was denied an Emergency Advance Payment because of lack of documentation.
- Another claimant sought an Emergency Advance Payment in an amount that greatly exceeded the claimant's entire reported income for each of the two preceding years. The claimant has yet to file an Interim or Final claim, a prerequisite for GCCF consideration.
- In your Memorandum you mention a claimant who "finally got 1% of his claim [paid] in the amount of \$54K." The claimant received 13% of the amount sought, not 1%. The claimant was notified on February 7, 2011, and again on March 5, 2011, that certain specific missing documents will be required to process the Final claim.
- Another claimant mentioned in your Memorandum was denied an Emergency Advance Payment because of lack of documentation. The claimant's tax returns reported her occupation as "housewife" without any reference to her role, if any, in the business. The amount requested by her husband is approximately 250% of the gross income he previously reported from commercial fishing.

Senator, I do not believe that a careful review of the individual and business claims referenced in your Memorandum leads to the conclusion that I am "making empty promises." To the contrary, the GCCF is carefully reviewing each and every claim to determine whether the claimant is eligible for compensation and, if so, the amount of such compensation. The GCCF is also making every effort to communicate with claimants in a timely fashion. I am sure you will agree with me that claims for compensation must be documented. I will not pay amounts that are wildly at odds with the claimant's prior year income documentation, nor will I pay undocumented claims.

As you know, in less than 8 months the GCCF has paid approximately \$3.7 billion, including \$1.7 billion to Louisianians alone. I am listening carefully to constructive criticism designed to improve the process but reject the notion that the GCCF is a failure or is not honoring its obligations to eligible claimants.

I am available to meet with you and/or your staff to discuss the design, implementation and administration of the GCCF.

Very truly yours,



Kenneth R. Feinberg  
Administrator  
Gulf Coast Claims Facility