ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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June 16, 2010

Mr. Darryl Willis
Vice President, Resources
BP America
200 Westlake Park Blvd.
Houston, TX 77079

Dear Mr. Willis:

To follow up on our recent discussions, I want to thank you for providing us a copy of the daily Coast Guard Report concerning your claims process. As we have discussed, we are planning on posting the report on our Committee's web site, commencing this Friday, June 18 (or earlier, if you notify us that you are planning to post at an earlier time).

As we have also discussed with you, we believe that the daily Coast Guard Report has a number of deficiencies. It is our understanding that as an initial matter, you are working with the Coast Guard directly to address some of these deficiencies and to provide additional claims information in a more transparent matter. It is our further understanding that you expect to be in a position to provide a more comprehensive daily report in another week or so, and that you will provide this information to us on a daily basis. After you have done this, it is my further understanding that you will work with the Committee to provide us with additional information necessary for the Committee to examine the Coast Guard Report in context (see attached draft detailing our request).

As we have discussed, perhaps the single most vital item of information that is missing from your current daily report is the amount of requested but unpaid claims. It is my understanding that as of yesterday, the amount of total claims (not claimants) was some 61,000 (as disclosed in the Report) and that some $70 million in claims had been paid (also disclosed on the Report) out of a total amount requested of some $600 million (not disclosed in the Report). I would ask that beginning tomorrow, you provide us with the additional reporting information you have of aggregate claims requested on a daily basis as well.

Given the constraints you are under, we are willing to work with you on the full range of missing information, some of which you may not currently have available to you. However, we see no reason that we cannot immediately begin receiving at least the overall aggregate amount of requested claims that you already have available.

Thank you for your time and attention to this matter. Please contact my staff should there be any misunderstanding, or if you are in any way unable to comply with the request for the aggregate claims requested information.

Sincerely,

John Conyers, Jr.
Chairman

Attachment

cc: The Honorable Lamar Smith
Ms. Stephanie A. Morrison, Coast Guard House Liaison Office
Ms. Liz Reicherts, Sr. Director, US Government & International Affairs, BP America Inc.

DRAFT

[address of relevant officer]

Dear _____:

As we have discussed, in connection with the Committee's review of legal liability issues surrounding the Gulf Coast oil disaster, it would be helpful for us to receive periodic information regarding BP America's processing of claims.

In that regard, we ask that you forward to us on a daily basis, commencing on June ___, 2010, the daily report submitted to the Coast Guard pursuant to the Oil Pollution Act (the "Coast Guard Report"). We would ask that you supplement for us the Coast Guard Report with the following information, also provided to us on a daily basis (cumulative since April 29, 2010):

1. Total claims received (e.g., notice of loss)

2. Total number of claims entered into the claims processing system

3. Total claim amount

4. Total amount paid on claims

5. Total amount unpaid on claims

6. Total amount rejected

7. Total number of claims paid at 100% of claim amount

8. Total number of claims paid at less than 100% of claim amount

9. In addition to the current list of categories or factors you track for bodily injury claims, also identify the total amount of non-economic damages

requested, total non-economic damages paid, total non-economic pending, or total non-economic unpaid.

Further, as we have discussed, we are particularly interested in identifying information on any claims you reject or which you have elected not to pay the full requested amount, even if only initially at this stage of the claims process. In that regard, we would request that you provide us with a weekly report identifying the following information with regard to such claims commencing on June __, 2010 (cumulative since April 29, 2010):

1. Claim/Tracking number

2. Category of claim (including whether an Individual or Business claim, whether the claim is for Bodily Injury, Property Damage, Loss of Income, and the Category of Injured Party)

3. Amount requested

4. Amount paid

5. Amount not paid

6. Amount rejected

7. Reason(s) amounts are rejected

8. Reason(s) for not paying claim in full at this time

9. Represented by counsel (Y/N)

10. Status of claim (pending, closed, on appeal to BP's claims process)

11. Cause of claim (oil/dispersant/other)

12. Whether the applicable law governing the claim is the Oil Pollution Act, state tort law, general maritime law or other governing law.

13. Whether this constitutes a follow-on or additional claim to the initial claim filing.

Also, we have reviewed your BP Claims Process document, Subject: MC 252 Incident, Report Topic: Description of Claims Process, dated May 26, 2010. By no later than June __, 2010 please provide us with any other guidance, memorandum, or other documents or communication setting forth criteria for processing and accepting/rejecting/paying partial claims (you should promptly update information to us on an ongoing basis).

In connection with the above, please note that pending the Committee's review, we reserve the following rights:

1. To request copies of rejected claims, as well as paid claims.
2. To ask for more categories of information, as needed.
3. To trace information to the underlying database or support (i.e. we assume that whatever is being reported can be linked to the underlying detail and that the claims would have appropriate identifiers, such that paid claims will be linked to actual payments in the processing system).
4. To share information and coordinate our review process with the Government Accountability Office, which has been asked to begin a review of your claims process.
5. Consistent with past practice and House Rules, to share any provided information with the public via our Committee web site or otherwise (However, to the extent you believe any information is confidential or proprietary, please let us know and we will, as a discretionary matter, consider your request to so limit).

Thank you for your attention to this matter. Should you have any questions, please contact the staff at the Judiciary Committees, tel. 202-225-3951.