

Good Afternoon Members of the Ad Hoc Subcommittee on Disaster Recovery and honored guests

My name is Ve Nguyen and I have been harvesting oysters in the Gulf of Mexico for 29 years. On behalf of the United Louisiana Vietnamese American Fisherfolks, thank you Senator Landrieu for calling this hearing and special thanks to your staff for inviting me to present today.

**I would like to take this opportunity to do 3 things – share my story, present a request to the Subcommittee, and ask a question of Mr. Feinberg.**

My story is a common story in the Louisiana Vietnamese American fishing community. As of Spring 2010, approximately 30 to 50 percent of all commercial fishers living in the Gulf of Mexico region are Vietnamese Americans while more than every other Vietnamese American in the region are connected to the seafood industry. In my neighborhood in Plaquemines Parish, 100% of the Vietnamese American homes are fishermen. Louisiana fishermen of all ethnic backgrounds are independent and hardworking people.

As refugees to the United States after the end of the Viet Nam War, we all chose to build our lives anew in the fertile waters of the Gulf Coast and carry on the fishing traditions and customs of our ancestors. I was raised on my father's fishing boat in Viet Nam. During the Viet Nam War, I used my naval skills to help the south Viet Nam democratic government fight communism. At the end of the war, I carried dozens of people on my boat to escape the communist regime. In the United States, my people continued to carry on the fishing tradition of our ancestors despite hate crimes by the KKK.

We taught our children to love the water and appreciate its creatures. My daughter is a marine biologist and my son helps me on the boat. After I was forced to flee my country and the United States took me in, I pledged an allegiance that included paying my taxes. Unless I have no other choice, I do not seek government assistance. But with the oil spill, like many of my fellow fishermen, I have had to stand in line for handouts and food stamps.

Before the BP Deepwater Horizon Oil Spill, my wife and I would be out at sea by 6am every morning and return in the late evening. Like all over fishermen in Louisiana, we typically hold back a portion of our catch – 5-10 percent - to bring home for personal consumption in the family, to contribute to community events, and to barter with other fishermen for other seafood.

I face many challenges in the GCCF process, but I would like to take this opportunity to highlight one in particular. Mr. Kenneth Feinberg received over 16,000 emergency payment claims for subsistence use, including mine, and Mr. Feinberg only paid one claim for \$3,000.00. Mary Queen of Viet Nam Community Development Corporation, a Louisiana contracted Technical Assistance Provider, helped me package my subsistence use claim. Mr. Feinberg denied my neighbor's emergency payment loss of subsistence use claim that was almost identical to mine.

## **REQUEST TO Ad Hoc Subcommittee on Disaster Recovery**

And therefore, I would now like to make our request to members of the Senate here today. The United Louisiana Vietnamese American Fisherfolks, in solidarity with fourteen Gulf Coast grassroots organizations and associations, requests that members of the Ad Hoc Subcommittee on Disaster Recovery and Congress clarify and reaffirm the definition of subsistence use in the Oil Pollution Act of 1990 - fully acknowledging and recognizing the local non-taxable practice of bartering, community gifts, and family consumption by commercial fishing communities of all ethnic background. This definition was clearly intended by Congress in 1990 and comports fully with the Department of Wildlife and Fisheries definition.

Moreover, the calculation for emergency compensation for loss of subsistence use should be based on the quantity of seafood that commercial fishermen subsisted on before the spill multiplied by the current market retail value of the seafood. This formula has been summarized and defended in the White Paper submitted by the United Louisiana Vietnamese American Fisherfolks and MQVN Community Development Corporation. One of the authors of the paper, May Nguyen, is seated behind me today and is prepared to defend our community's claim for subsistence use and the formula.

## **QUESTION FOR MR. KENNETH FEINBERG**

Finally, on behalf of our alliance of 14 grassroots organizations from across the Gulf Coast, I would like to ask a question of Mr. Feinberg. Throughout the height of the Oil Spill, you promised a GCCF Appeal Panel. But now you are setting a \$250,000 minimum total payment requirement that effectively takes away the GCCF appeal panel for all low-income victims. Low-income victims are oyster shuckers, shrimp peelers, deckhands, dockhands, and the vast majority of captains - the backbone of the Gulf Coast seafood industry and direct victims of the BP Oil Spill. We relied on your promise for an appeal panel that you would be fair and just in your compensation. So then, Mr. Feinberg, why are rich people the only people that can access your GCCF appeal process, but us working class fisherfolks can not?