U.S. COMMISSION ON CIVIL RIGHTS

VIRTUAL BRIEFING

FRIDAY, JUNE 25, 2021

The Commission convened via teleconference at 12:00 p.m. EDT, Norma Cantu, Chair, presiding.

PRESENT:

NORMA V. CANTU, Chair
J. CHRISTIAN ADAMS, Commissioner
STEPHEN GILCHRIST, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID KLABNEY, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
DAVID GANZ, General Counsel
STAFF PRESENT:
NICK BAIR
PAMELA DUNSTON, Chief ASCD
GERALD FOSTEN
ALFREDA GREENE
JULIE GRIECO
MICHELE RAMEY
ANGELIA RORISON
MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:
ALEC DUELL
JOHN MASHBURN
CARISSA MULDER
AMY ROYCE
JUANA SILVERIO
THOMAS SIMUEL
IRENA VIDULOVIC
A G E N D A

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(12:02 p.m.)

CHAIR CANTU: Commissioners virtually present at this briefing in addition to me are Commissioner Adams, Commissioner Gilchrist, Commissioner Heriot, Commissioner Kirsanow, Commissioner Kladney and Commissioner Yaki. A quorum of Commissioners is present. I note for the record that the Staff Director and the court reporter are present.

I. INTRODUCTORY REMARKS BY CHAIR NORMA V. CANTU AND COMMISSIONERS DAVID KLADNEY AND MICHAEL YAKI

I look forward to our briefing today and note that the Commission business meeting scheduled for this afternoon following this briefing has been cancelled so we do not have a further meeting for the Commissioners to attend.

My name is Norma Cantu, and I am Chair. And I wish to welcome everyone to this briefing on the civil rights in the federal response to Hurricane Maria and Harvey.

The Commission undertook this project knowing full well that the Congress was already reviewing the federal responses to natural disasters.
However, we'll be looking at the response through a civil rights lens.

The Commission will review Federal Emergency Management Agency, FEMA, in its role in disaster preparedness and response. We'll be looking to evaluate efforts by FEMA to comply with the Robert T. Stafford Disaster Relief and Emergency Act along with other federal civil rights laws and policies.

And our Commission will compare the significant hurricane systems to Hurricanes Harvey and Maria.

Commissioners will hear from subject matter experts such as government officials, academics, advocates and impacted persons.

First, we will begin with a few housekeeping items. I share deep thanks to the Commission's staff who researched and brought today's briefing into being including the teams who have worked on logistics, which this virtual environment presents a whole host of additional challenges. And I thank Staff Director Morales for his leadership.

I caution all speakers, including our Commissioners, to refrain from speaking over each other for the ease of the transcription by the court reporter.
Additionally, I will need to cue our staff behind the scenes for the appropriate video and audio support. So occasionally, you'll hear a phone ringing and that's probably for me and not for you. So please wait to speak until I've called upon you.

During the briefing, each panelist will have seven minutes to speak, and you'll see on the top of your gallery screen you'll see the seven minutes counting down.

The panelists after they speak, then the Commissioners will have an opportunity to ask questions within the allotted period of time.

Now that depends upon how long the folks take to present. It depends upon how many questions people ask. I would urge folks to get your most important question out first because I'm doing some math here and 11 panelists times 7 minutes each, that's already an hour and a half there.

So we're going to finish on time. So I will strictly enforce the time allotment given to each panelist to present his and her statement. And unless we didn't receive your testimony until today, you can assume that we have read your statements. So you don't need to use some of your precious time to read that to us as part of your opening remarks. And
please focus your remarks on the topic of today's briefing.

For my fellow Commissioners, I know they are cognizant of the interest of each one of us to ask questions. So please be brief in asking your questions so we can move quickly and efficiently move through today's schedule.

I will step in to move it along if necessary. And, panelists, please note that I ensure that we will have enough time. The 7 minute thing, in addition to the clock, you'll see me waving and trying to get your attention. That means you're getting close to your time limit.

Now I'm going to call on two of our Commissioners, Commissioner Kladney and Commissioner Yaki. I promised them a whole two minutes each for their opening statements. And I know they're going to do their best if I can please call first on Commissioner Kladney.

COMMISSIONER KLADNEY: Thank you very much, Madam Chair. Good morning. Commissioner Adegbile, a co-sponsor of this project, will be unable to attend the briefing today because of an unavoidable family issue.

As a co-sponsor of this project with
Commissioner Yaki, Commissioner Adegbile would like to thank our fellow Commissioners, their special assistants and legal interns for their work on this project. A lot goes into these briefings.

Also, the newly appointed leader of our Office of Civil Rights Evaluation, Marik Xavier-Brier was a great help on this. And by the way, congratulations, Marik, we look forward to your leadership.

Commissioner Adegbile also wishes to thank Julie Grieco of OCRE for her hard work in researching and preparing this issue for this briefing.

Of course, he thanks his special assistant Irena Vidulovic and legal intern, Alana Thomas, and Communications Director Ang Rorison.

Finally, we would not be holding this briefing if it wasn't for the great coordination and logistics work of Ms. Pam Dunston and her staff. She is there all the time when this Commission asks her to make briefings happen in our office, in the field or online.

Thank you, Ms. Dunston, and thank you the entire staff of the Commission.

On a personal note, I would like to thank
my very special assistant, Amy Royce, who is always prepared for this briefing in excellent fashion and our new legal intern, Clara Malkin, who is following in Amy's footsteps. Great job.

These hurricanes dealt a serious blow to millions of Americans, which many are still suffering the consequences today. The questions need to be asked if the government response was sufficient enough for the United States to be proud of its civil rights record or if there were civil rights failures that resulted in more harm than what the hurricanes levied on our citizens.

Commissioner Adegbile thanks the witnesses and participants for attending and participating in today's briefing. Thank you, Madam Chair.

COMMISSIONER YAKI: Are you waiting for -- may I go? I'm Commissioner Michael Yaki. And in 2017, as I was watching the response for Hurricane Harvey, I couldn't help but be reminded of the response to Hurricane Katrina over 10 years before and the images that we saw of the people who were stranded, of the Ninth Ward being devastated.

And on a personal note, I am someone who, like many millions of Americans, survived a natural
I rode through the Loma Prieta earthquake in 1989 in the San Francisco Bay area. And I was fortunate in many ways. I was fortunate because my home was not damaged. I was also fortunate because I had a couple advantages other people did not.

I had a law degree. I had a copy of the Stafford Act, and I worked for a member of Congress. And in that role, we worked to help the thousands upon thousands of people who were needing assistance after the quake.

And it gave me a newfound appreciation and understanding and quite frankly a very skeptical eye of our nation's federal response efforts in the wake of a disaster.

And to that end, I began advising other offices throughout the time I worked in Congress on how to respond to disasters and how to work with FEMA. And it's, quite frankly, a little shocking to see that many years later not too many things have changed.

And, in fact, in our mission as members of the Commission on Civil Rights to note that there may be a disproportionate impact of the federal response with regard to its treatment of people of
color to the disabled is something that I find shocking today.

And I hope that the panelists today will focus on that. I don't need to see, you know, five paragraphs of statistics about how we're investigating fraud and abuse. I want to know what the Southeast Texas Regional Planning Commission was doing with CDBG-DR funds with regard to how it was being allocated or if it was being allocated in a way that favored one population over another on the basis of color.

I want to know why the amount of aid that gets distributed disproportionately favors one group over another. I would just note that for the record that on the information that we were provided already, it appears that people in Hurricane Harvey received $1,600 more per person than anyone in Hurricane Maria in Puerto Rico.

These are the hard questions we need to ask and we need answers. And I'm thankful for everyone who has helped put this together. I look forward to your testimony and let's proceed.

II. PANEL 1 - INTRODUCTION OF PANELISTS

CHAIR CANTU: Thank you, Commissioner Yaki. Let me introduce the seven people on the
first panel.

Our first speaker this morning is David Bibo, Acting Associate Administrator, Response and Recovery, FEMA.

Our second speaker is Tony Robinson, Region 6 Administrator, FEMA.


Our sixth speaker is Tevi Troy, author, BPC senior fellow and former Health and Human Services Deputy Secretary.

Our seventh and final speaker on Panel 1 is Jo Linda Johnson, Director, Office of Equal Rights, FEMA.

And please note the countdown clock at the top. And you may begin, Mr. Bibo. Please proceed.

DAVID BIBO
MR. BIBO: Madam Chair, thank you for the opportunity to join the U.S. Commission on Civil Rights proceedings today. I very much appreciate the chance to talk about our work with Hurricane Harvey and Maria as well as our work going forward.

I first joined FEMA in 2009 and have served as a member of the Senior Executive Service here at FEMA since 2012.

During the 2017 hurricane season, I was the acting head of policy for FEMA. In that position, I helped lead the Agency through a number of policy challenges related to the response and recovery efforts in the delivery of federal disaster assistance following the devastations that Hurricane Harvey and Hurricane Maria brought to Texas and Puerto Rico, respectively.

At the time, I was also involved in FEMA's efforts to enhance disaster assistance for Puerto Rico and the U.S. Virgin Islands, including language that was included in the 2018 Bipartisan Budget Act.

This language that Congress passed and the President signed has and continues to give us greater flexibility in providing funding toward restoring Puerto Rico's infrastructure and with that.
of the U.S. Virgin Islands.

Specifically, it allows us to restore certain disaster damaged facilities and infrastructure without regard to the pre-disaster condition of that infrastructure, which is something that we normally are not able to do under our authorities in the Stafford Act.

Further, it also allows us to restore the function of the facilities and infrastructure to industry standards without regard to whether the entire system of infrastructure was actually damaged by the disaster, another important factor in helping to enhance and bolster Puerto Rico and U.S. Virgin Islands recovery from Hurricanes Irma and Maria.

Since January of 2020, I have served as FEMA's Acting Associate Administrator for Response and Recovery. In this role, I am responsible for leading our response, recovery, logistics and field operations functions nationwide in support of our 10 Regional Administrators who are distributed across the country.

The historic 2017 hurricane season and wildfire activity I'm sure you will recall certainly demonstrated how vital the local, state, Tribal, territorial and federal partnership is in delivering
disaster assistance to the American people.

Harvey, Irma and Maria were three major landfalling hurricanes that affected the continental and outside of the continental United States in relatively quick succession affecting 15 percent of the United States' population or roughly 47 million people. And, as we know, the effects of Hurricane Maria on Puerto Rico's infrastructure were significant, and we continue several years on to work with the government of Puerto Rico as we do in Texas and elsewhere to facilitate the recovery.

And I think it's important to recall that following Maria in Puerto Rico, every airport and port were closed. Only 5 percent of the population had access to cell phone service and 3.7 million residents were without electricity.

The challenges that a community faces in advance of a disaster, before a disaster whether it's poverty, housing constraints, fragility of infrastructure are unfortunately all exacerbated by disaster and that makes the response effort and recovery effort all the more challenging.

FEMA along with our partners across the Federal Government in support of the states and the territories continue to provide historic levels of
support to not only the government of Puerto Rico, the U.S. Virgin Islands, for Maria and Irma but also to Texas and Florida from Harvey and Irma.

In the Puerto Rico case, this includes the award of the three largest recovery grants in FEMA's history to rebuild large portions of Puerto Rico's infrastructure, particularly the power grid, the water system and school facilities.

Here on the mainland, as you all know, Hurricane Harvey posed historic challenges for the Houston area in the aftermath of the storm. More than 42,000 people required sheltering assistance, which was a substantial mission that I'm sure Tony will talk more about.

We've come a long way in the recovery operations from Harvey and Maria. The recovery has continued to this day. We know that we have more to do, and FEMA remains committed even as we prepare for what may come next.

I think it's important to know that the Biden administration priorities inform very much the FEMA Administrator's priorities, particularly around promoting equity and addressing the effects of climate change.

Climate change is making disasters more
frequent, more intense, and we're seeing greater
destruction. And we know we must all work together
to address these challenges head-on through risk
reduction projects to build more resilient
communities and that we must consider equity and
socially vulnerable populations in all that we do.

At FEMA we are continuously reviewing our
program delivery, our decision-making, and our
responses to improve our support that we provide to
disaster survivors.

We look forward to working and continuing
to work with our partners who are also represented
here on the panel today and look forward to the
feedback and the questions from the Commissioners to
help drive forward the FEMA Administrator and the
broader administration's commitment to promoting
equity in everything that we do.

I look forward to the questions from the
panel, Madam Chair. Thank you.

CHAIR CANTU: Thank you, Mr. Bibo. And
now we will hear from Mr. Robinson. Please proceed.

TONY ROBINSON

MR. ROBINSON: Good afternoon, Chair
Cantu and distinguished members of the Commission.

My name is Tony Robinson. I am the Regional
Administrator of the FEMA Federal Emergency Management Region 6 office in Denton, Texas, which is responsible for the states of Arkansas, Louisiana, New Mexico, Oklahoma, Texas and the 68 Tribal Nations that are within that geographic area.

I've been with FEMA since 1987 and served as the Regional Administrator in Region 6 since 2013. Our regional office is located in Denton, Texas, and we have geographic based offices in Baton Rouge, New Orleans, Austin and Houston with FEMA integration team members co-located in state offices in Arkansas, Oklahoma and New Mexico with the purpose to build partnerships and capabilities with the emergency management community.

We also have Tribal liaisons located in New Mexico and Oklahoma where 61 of our Tribal partners are located with the intent to closely collaborate with our Tribal Nations and to place our workforce closer to the communities that they serve.

I'm particularly proud of the regional workforce and that includes people who have chosen to work at FEMA after personally being impacted by disasters themselves.

Region 6 has seen some of our nation's largest disasters and our team has responded to many
notable disasters, including a very busy 2020 hurricane season, which included five storms impacting Louisiana, and Southwest Louisiana being significantly impacted by Hurricanes Laura and Delta, which made landfall within 12 miles of each other.

Our disaster work is in addition to our constantly evolving steady state mission that requires our team to tackle new challenges on a regular basis, including most recently the extensive COVID-19 work that was related to supply chain issues, personnel support and vaccine distribution.

In 2020, the Region awarded $18 billion in grant funding to assist our partners in building capabilities for disaster recovery.

That gives you some background on FEMA Region 6. And now I will just give you some specifics on Hurricane Harvey.

Hurricane Harvey made landfall near Rockport, Texas, as a Category 4 storm with its peak intensity on August 25, with the storm remaining inland for several days, finally departing the state on August 30.

In addition to wind and storm surge along the Texas coast, heavy rainfall and widespread flash flooding directly impacted 6.7 million people across
an area approximately 41,500 square miles, including our nation's fourth largest city, the City of Houston, as well as many small and medium-sized communities along the coast and deep into the interior of Texas.

During the storm, the highest rainfall total amount as reported was just a little over 62 inches in the rain gauge outside of Houston. In total 41 counties were designated for FEMA's Individual Assistance program and 53 counties for the Public Assistance program.

We also had 91,000 flood insurance claims that were filed during this period with $8.8 billion being paid out for those claims.

A cornerstone of our response to recovery approach is to place our staff and services in the areas with the greatest need. For each of these communities, we took the following actions.

We opened more than 100 disaster recovery centers across the impacted area, using both fixed and mobile sites. These DRCs saw more than 200,000 visitors.

We deployed dozens of disaster survivor assistance teams who canvassed shelters, visited hard hit neighborhoods, and contacted more than 500,000
survivors.

Additionally, our staff participated in more than 400 community events to assist and engage survivors throughout the recovery.

We understand that communities cannot fully recover from a disaster if the population does not return. So we do our utmost to keep survivors as close to home as possible while they recover. And this was true in our immediate Harvey recovery as well.

The volume of applications for this disaster was one of the highest in FEMA's history. In total, we provided more than $1.6 million in grant funding for more than 373,000 individuals and households through the Individual and Household Program.

Additionally, $121 million in financial assistance to applicants was provided for immediate and critical needs because they were displaced with no primary dwelling.

Housing assistance after disasters can be extremely challenging. And for a disaster of the magnitude of Hurricane Harvey, these challenges were multiplied.

We work very closely with our states.
And the lessons learned from the 2016 floods in Louisiana, we partnered with the State of Texas to deliver some new and innovative programs.

So in addition to some of our traditional programs, like congregate and non-congregate sheltering, traditional sheltering assistance, home repairs, lodging and special repairs, there were two innovative programs which were the shelter and temporary emergency power programs, which Texas called PREPS, Partial Repair and Essential Power for Sheltering, and then permanent housing construction, which was a new program that was direct housing assistance limited to home repair.

In addition, we used a geographically dispersed model for case management, assigning specific impacted counties between the Texas Health and Human Service Commission and the National Volunteer Organizations active in disasters. And this helped us better serve our disaster survivors.

The site and scope of Hurricane Harvey's impact would have been challenging in a normal year. But the subsequent disasters, as Mr. Bibo mentioned, really placed considerable strain on our FEMA resources.

I am extremely proud of the FEMA staff
and our partners with the Texas Division of Emergency Management along with our local, state, Tribal and non-governmental organizations and our private sector resources. Disasters are a whole of community business and that certainly worked in the State of Texas.

There are always lessons that we can learn from disasters. From our previous work, we implemented some of those things we learned in Louisiana, and we are committed to improving in meaningful ways every day.

Our work recovering from Hurricane Harvey is not yet complete. But we've already begun to establish a great deal in supporting our partners along the long-term recovery efforts.

Today we've obligated over $2.4 billion for Public Assistance in more than 19,000 projects. There are only 509 projects that remain open in Hurricane Harvey.

In total, the FEMA Stafford Act Program provided over $4 billion of assistance. And that's from our Individual Assistance, Public Assistance and Hazard Mitigation Program. And we temporarily housed over 19,000 survivors in this disaster.

We remain committed to working with our
federal, state and local partners to make our nation more resilient and to learn from the challenges we faced during Hurricanes Harvey and Maria and subsequent disasters, including the COVID-19 pandemic, to ensure that all citizens have equal access to our programs in compliance with our nation's civil rights laws and policies.

Thank you for the opportunity to be part of this public briefing. And I look forward to answering your questions. Thank you.

CHAIR CANTU: Thank you, Mr. Robinson.

We'll now hear from Mr. Sklar.

GLENN SKLAR

MR. SKLAR: Good afternoon, Madam Commissioner and Commissioners. I'm Glenn Sklar, the Principal Deputy Inspector General at Homeland Security.

Thank you for the opportunity to discuss our oversight work today, specifically, our oversight of FEMA's disaster response and recovery efforts in Hurricanes Harvey and Maria.

Our office plays a unique and critical role in the oversight of disaster management. We ensure disaster programs are operating in an effective and efficient manner and that public funds
are spent in accordance with regulations.

We are well aware of the hardships of multiple hurricanes stacked in a tight window in late 2017 placed on FEMA. We acknowledge the efforts of dedicated FEMA employees and contractors who persevered through these difficult circumstances, work that was often accomplished far away from home.

With that said, we found many opportunities for improved performance in the future.

Effective intervention from FEMA can mean the difference between life and death for some disaster survivors. With those stakes on the line, we do not shy away from issuing top recommendations for improvement.

Our oversight team was on the ground less than two months after Hurricane Maria hit Puerto Rico. Our teams spoke with multiple individuals who noted serious problems with the distribution of meals and water, such as containers arriving that were supposed to be filled with food and water but were either half empty from carrying unrelated goods.

FEMA lost visibility of about 38 percent of its commodity shipments to Puerto Rico worth an estimated $257 million.

Overall, we conducted 10 audits related
to our oversight obligations, and we published corresponding reports between May 2019 and June 2021.

Audit topics included acquisition contracting and controls, distribution of commodities, oversight of grants, management of disaster assistance funds and oversight of the IT environment.

Specifically, we noted shortcomings in FEMA's acquisition and contracting controls. For example, FEMA inappropriately awarded two contracts to supply roof tarps and plastic sheeting to disaster survivors in Puerto Rico. Within a month, FEMA had cancelled both contracts because the contractor did not deliver those tarps and sheeting.

In addition, FEMA's Public Assistance grants to the Puerto Rico Electric Power Authority, PREPA, and PREPA's subsequent contracts with two contractors to fix the electrical grid did not fully comply with federal laws and regulations as well as program assistance guidelines.

This led to potentially ineligible contract costs and FEMA reimbursing PREPA more than $852 million for contract costs without confirming PREPA provided proper oversight for the contract.

Another electrical grid contract that we
reviewed was billing at a rate of $616 per hour for a senior accountant.

Additionally, deficiencies in FEMA's management of commodity distribution in Puerto Rico led to lost visibility of commodities and delayed shipments.

For example, water deliveries had an average shipping delay of 71 days. And food items, average shipping delays of 59 days.

Of the approximately 97 million liters of water FEMA shipped to Puerto Rico between September 2017 and April 2018, only 36 million liters reached their final destination for distribution.

During the same period, only 24 million of 53 million shipped meals reached their final destination for distribution.

Further, FEMA's oversight of its IT environment to support response in recovery efforts was inadequate. FEMA's legacy IT systems were not integrated and did not have the functionality needed to keep pace with high volume processing.

Looking forward, DHS OIG has six ongoing audits and reviews related to both disaster and pandemic oversight to be initiated based on our observations during visits to these disaster sites.
and our post-disaster analysis. We look forward to
publishing those reports.

Our criminal investigators also
investigated fraud and abuse related to these
disasters. Since April 2017, we have initiated 249
investigations related to Hurricanes Harvey and
Maria.

We have activated or leveraged resources
aimed at combating criminality and procurement, grand
fraud, disaster application benefit fraud, identity
theft, impersonation of FEMA or law enforcement
officials, and DHS employee misconduct.

For example, we investigated the $1.8
billion electrical power contract in Puerto Rico, and
this resulted in the indictments of a former FEMA
senior executive, a second former FEMA employee and
the former president of an electrical company.

In conclusion, FEMA faced tremendous
challenges meeting mission requirements because of
the catastrophic nature of Hurricanes Maria and
Harvey in multiple concurrent nationwide disasters.

We hope that our testimony today has
provided the Commissioners with a holistic view of
our oversight work of FEMA's responses to these
disasters.
I welcome any questions. Thank you.

CHAIR CANTU: Thank you, Mr. Sklar. Mr. Begg, we will now hear from you.

STEPHEN BEGG

MR. BEGG: Thank you, Madam Commissioner, distinguished Commissioners and Commission staff. Thank you for the opportunity to participate in this briefing.

As the Deputy Inspector General for the U.S. Department of Housing and Urban Development, it is my pleasure to discuss our office's work related to HUD's disaster recovery programs and Hurricanes Harvey and Maria.

HUD's disaster programs are designed to assist individuals and communities in long-term recovery from disasters and in mitigating the potential effects of future disasters.

In recent years, disasters and federal spending on them have increased exponentially, and we expect them to continue increasing.

Since 1992, Congress has appropriated over $89 billion of grant funds through HUD's disaster programs. A substantial portion of that amount, approximately $30 billion, has been appropriated to assist Texas and Puerto Rico in the
aftermath of Hurricanes Harvey, Irma and Maria.

The Office of Inspector General provides independent comprehensive oversight of HUD's disaster programs through audits, evaluations, reviews and investigations.

For several years, we have identified the administration of disaster recovery assistance as a top management challenge for HUD. We focus a significant portion of our oversight portfolio on promoting effectiveness, the economy, and efficiency in HUD's disaster programs as well as preventing fraud, waste and abuse in them.

Our office appreciates this opportunity to highlight several interrelated themes from our work and to emphasize to the Commission our support for codification of HUD's disaster programs.

We believe that creating permanent program requirements through codification will help disaster grant funds reach the individuals and communities in need more quickly, and the codification will generate more effective outcomes in HUD's disaster programs.

Currently, HUD establishes its disaster program requirements through notices in the Federal Register rather than through its regulations. Each
time Congress appropriates money for a disaster, HUD generates a Federal Register notice specific to that funding stream. This process can quickly become complicated for grantees as they may need to examine multiple notices to understand the requirements related to a disaster.

For example, in February 2017, Texas had six open grants and was required to file 48 different Federal Register notices to administer them.

We identified that many of the HUD requirements in these notices are the same across grants and disasters. In 2018, we recommended that HUD codify these requirements in regulation to provide consistency and clarity for grantees. Doing so would reduce delays in grantee's planning efforts and allow them to build programs that could be executed efficiently in future disasters.

In April 2021, we again recommended that HUD codify its disaster programs after we found that HUD's extensive negotiations with the Office of Management and Budget about new program requirements significantly delayed the release of Federal Register notices for Puerto Rico, Texas and other grantees receiving disaster mitigation funding.
Establishing a permanent set of requirements would reduce uncertainty early in the grant life cycle and help grantees build capacity to administer grants more quickly.

We have consistently identified that disaster grantee struggles with staffing, procurement and implementing strong internal controls early in the process.

We found these capacity issues existed for HUD grantees in Texas and Puerto Rico and that the unprecedented amount of grant funds they were initially charged with administering was a significant factor in their struggle to establish capacity.

We have also found that lack of clarity in program requirements generates delays and ineffectiveness later in the grant life cycle.

In our 2020 report on HUD’s top management challenges, we highlighted our concern with a significant number of disaster recovery grantees that HUD has designated as slow spenders.

We are currently conducting work to examine how HUD monitors these grantees and assists them in improving the timings of their activities.

Our other recent reviews have highlighted
that standard requirements would help grantees better deliver core recovery functions like rebuilding and rehabilitating homes.

In addition to the longstanding challenges in these programs, we recently surveyed HUD disaster grantees and found that the COVID-19 pandemic caused many aspects of their recovery activities and operations to slow down or stop entirely.

Grantees struggled during the pandemic to communicate with their partners and advanced construction projects due to health and safety restrictions in many jurisdictions.

As grantees continue grappling with these challenges and our communities face increased threats from disasters, our office will continue using our oversight toolkit to help HUD achieve its strategic objective to support effectiveness and accountability in long-term disaster recovery.

We believe that codification of HUD programs is an important first step in fulfilling that objective.

Thank you for the opportunity to discuss our work with you today. I look forward to your questions and to continue providing information to
the Commission that may further your important work.

CHAIR CANTU: Thank you. We will next hear from Chris Currie. Please proceed.

CHRIS CURRIE

MR. CURRIE: Okay. Thank you very much. I appreciate the opportunity to be here today.

I'd like to start by discussing just federal disaster assistance in the U.S. and what the future is going to look like first.

There are at least 29 federal agencies, including FEMA, that provide disaster aid to individual citizens and also to states, territories, Indian Tribes and other local governments.

Just to give you a sense of the scale, since 2005, the federal government spent over $500 billion, that's over half a trillion dollars on disaster assistance and aid.

And while Harvey and Maria are certainly huge catastrophic events, they get a lot of attention, the U.S. is experiencing more and more severe weather every day due to climate change. Thunderstorms are causing massive flooding in places that don't typically see this, places like West Virginia, Tennessee, Nebraska.

Wildfires are changing from localized
rural events in the past to state, region-wide events, and sometimes now urban catastrophes.

From 2016 to 2018 alone, 5.6 million people applied to FEMA for assistance and that doesn't even include other federal agencies. That's just FEMA. It's important to understand these statistics because the federal government is bearing more and more of the burden for these increasing disasters and costs.

We found that most states, territories, localities and Tribes, they don't have a rainy day fund to pay for disasters. They rely on the federal government. And the picture is worse for our citizens.

Many have no emergency funds to pay unexpected bills let alone to prepare for disasters. Many are also very underinsured. This means that more and more people will rely on federal help after disasters.

And before I talk about some of our findings, I do want to say that we get to observe the dedicated staff from FEMA and other agencies every day in our work. They work long and hard hours to serve our citizens and communities.

They're also committed to improvement.
when we identify challenges and weaknesses as well. And on that note, our work has identified a number of challenges across federal disaster programs, all of which were used during Hurricane Harvey and Maria and every other major disaster.

A key theme that has emerged is that individual citizens or states, localities or territorial or Tribal governments with fewer resources, capacity and experience, not surprisingly face greater challenges navigating federal programs and assistance.

Our work has also shown areas where changes could help vulnerable populations. For example, after the 2017 disasters, we found that elderly survivors and the disabled face challenges in registering for and obtaining assistance.

For example, at the time there was no way for survivors to indicate a disability need when they registered with FEMA. We have recommended they do that. FEMA has since taken action to address that.

The groups also face challenges obtaining supplies because they couldn't reach centralized distribution centers. That was also a problem.

We also found that some components of FEMA's Individual Assistance enrollment process may
unintentionally make it difficult for vulnerable populations to obtain assistance.

Multiple steps in this process can be confusing, can be highly technical, can be time consuming to navigate, requiring the survivor to follow-up with incomplete information. This lands harder on those with less education and jobs where they can't sit at a computer all day or be on the phone going back and forth with the federal government.

We have recommended that FEMA look at these components in their process for opportunities to streamline it where possible and that could encourage further participation and better outcomes for vulnerable populations.

Another major theme is that state and local resources are a huge factor in the effectiveness of preparedness response and recovery efforts. And they also dictate the amount of federal help that's going to be needed along the way.

For example, in Puerto Rico, the Virgin Islands and we can't forget the Pacific Territories that were hit really hard in 2018, serious fiscal constraints, years of depleted tax bases and large populations and poverty led to lack of planning and
preparedness for major disasters over the years.

The result was that FEMA and other agencies had to step in to more directly help not surprisingly.

This also severely affects the long-term recovery and the long-term outcome, which is extremely important for understanding how communities and people get back on their feet in the future.

We reported that Puerto Rico's fiscal constraints have made it very difficult to fund and start large infrastructure repairs after Maria, even under, you know, when there's been a lot of federal help.

This is in stark contrast to other states like Texas, Florida, California, that can provide the upfront funding to jumpstart recovery because they're able to secure debt or, you know, move other funds in their budgets to start paying for these projects whereas Puerto Rico and others are solely reliant on federal funds, which in some cases don't actually come until years after the disaster.

For example, on January 21, Puerto Rico had spent -- we just reported this — they had spent $158 million to start, you know, long-term rebuilding projects, like, schools, the power grid, the water
systems. You know, this is out of $23.8 billion at that time that FEMA had obligated.

This just shows you that while the funds were obligated, meaning they were ready to start, the upfront funding is not there to start some of these projects because they're reimbursed later.

Tribal governments face similar challenges. When we surveyed Tribes, they struggled to build and maintain emergency management resources. This also makes it difficult for them to navigate complicated disaster programs across numerous agencies like FEMA, HUD, SBA and many others.

In closing really quick, the GAO has a lot of work going on right now on how the federal government, not just in the disaster area but across the federal government, is assessing equity in their programs and how they're implementing the President's recent Executive Order on equity.

One thing that is emerging is that collecting better data is really key to this process so you can start assessing these programs.

This is a new lens that we're looking at these programs through in many cases. And so it's going to require a number of steps to get to the point where we can make good conclusions about what reforms
might be needed.

So thank you for the opportunity to be here, and I look forward to the discussion.

CHAIR CANTU: Thank you, Mr. Currie. We will now hear from Mr. Troy. Proceed.

TEVI TROY

DR. TROY: Thank you. Thank you for inviting my testimony and thank you to Mr. Currie for very interesting testimony. I learned a lot from that, and I appreciate it.

I'm a former Deputy Secretary of Health and Human Services and White House aide. While I was in government, I was involved in the response to three disasters, 9/11, Katrina and the 2008 economic collapse. I also helped prepare for other pandemics.

My time in government, coupled with my background as a presidential historian, led me to write the book, Shall We Wake the President? Two Centuries of Disaster Management From the Oval Office, which is a look at presidential response to disaster and an examination of how to better handle it.

I learned in writing the book that over the course of our history, the federal government has become increasingly involved in dealing with
disasters. As this involvement has increased, so has the American people's expectations regarding federal disaster response.

In addition, the scope of disasters covered by the government keeps increasing and has steadily done so over the last century. Whereas weather disasters were once local problems, they are now national issues. And the federal government is increasingly expected to prevent them from happening, rescue people while they are happening and make people whole after they happen.

Along with this increased scope of disasters covered is an increase in presidential involvement, which is my area of expertise. We can see this by looking at how Presidents have dealt with five major weather-based disasters, 1889 Johnstown floods, 1927 Mississippi floods, 1969's Hurricane Camille, 1992's Hurricane Andrew and 2005's Hurricane Katrina, all of which I elaborate on in my written testimony. And these illustrate the growth of federal involvement over our history.

This background is crucial in looking at the federal response to 2017 Hurricanes Harvey and Maria, the subject of today's hearing.

Let's look at Harvey first. Having lived
through the government's ineffective response to
Katrina, I was encouraged by what the federal
government, and particularly FEMA, seemed to have
learned in the intervening period.

As a result of Harvey and in response to
Harvey, things seemed well coordinated. FEMA worked
well with state and local officials, pre-deployed key
resources and personnel in advance and adopted new
approaches.

To identify how to get resources and
rescuers where they need to go, FEMA now tracks
Facebook and Twitter to identify people and places in
need of assistance.

In addition, FEMA operation centers are
now high tech multi-screen environments giving
emergency managers far more real-time information
than we had in previous disasters.

Another improvement we saw during Harvey
was in the integration of volunteers. Government
does not have enough personnel to help everyone who
needs it. These limitations make outside assistance
invaluable. Volunteer assistance is not just about
the Red Cross anymore. FEMA's website lists about a
dozen professional volunteer organizations to
cooperate with during disasters.
Given these improvements, the question arises of why the Harvey response was a success while the subsequent Maria response was seen as subpar.

One obvious reason is the challenge of disaster response off the mainland. Getting resources to an island is just much harder without the interstate highway system. As a FEMA official told me at the time, to say it's logistically challenging is an understatement.

This challenge was compounded by the devastation on the island. Maria's first responders in Puerto Rico were also her victims and many were unavailable to the response effort.

The result is that FEMA faced both its normal job of transporting supplies but also the typically local responsibility of distributing them to the public.

In addition, it's harder for residents themselves to evacuate when planes and boats are the only avenues of escape. We often sees lines of cars on Interstate 95 headed north from Florida before hurricanes. Such an escape route was not available to Puerto Ricans before Maria. This hurdle also made it that much harder for Good Samaritans on the mainland to come to their assistance, which they did
in great numbers in Harvey.

A second difference for the difference in
response stemmed from the challenge of coping with
serial disasters, which is something that has been
mentioned earlier.

While post-Katrina reforms improved
FEMA's surge capacity, its ability to handle more
than one disaster at a time, FEMA, like any government
agency, has limited resources. Its appropriations
run out quickly requiring the less than nimble
Congress to provide disaster funding. And FEMA
personnel, who do heroic work, are only human and
subject to exhaustion when faced with constant
deployments and redeployments over a short period.

Third, Maria was so powerful that it
devastated the island's power and communications
infrastructure. This put FEMA at an immediate
disadvantage in its response efforts.

Finally, and this is outside the FEMA
purview, is the issue of presidential focus. The
White House seemed ready for Harvey but less ready
for a state of continuing hurricanes over an entire
month.

The lesson here is that presidential
leadership is about continued effort in the face of
ongoing challenges.

I would now like to make some suggestions for how to improve our hurricane response going forward. As much as we laud our technological progress, for good reason, the fact remains that there is little that government officials can do in the short-term and even the long-term to prevent or minimize the physical impact of catastrophic weather events.

As a result of the President and federal government need to ensure they do not overpromise and make sure that they meet the properly calibrated promises that they do issue. Even this is not easy. The federal government is a massive bureaucracy with 2 million employees, a number impossible to control. President Obama once recounted a warning he had received from Defense Secretary Robert Gates: “Somewhere, somehow, somebody in the federal government is screwing up.”

Nothing can ensure the absence of mistakes, but smart leadership can better prepare officials for crises. Presidents should make sure that senior officials engage in preparation drills early in their administration and continue to do periodically throughout.
The President also needs realistic budget numbers. The government spends a staggering amount of money on disasters, which is not budgeted properly for that spending.

According to the Center for American Progress' Daniel Weiss and Jackie Weidman, the U.S. government spent $136 billion on disaster relief between 2011 and 2013, about $400 per U.S. household. This spending takes place among 29 departments. The U.S. Department of Agriculture alone has 19 disaster related programs.

Another problem is the degree to which disaster funding is improvised. The federal government does have an annual disaster contingency fund for about $29 billion. It actually spent $136 billion, as I said, from 2011 to 2015.

This improvisational approach harms the attempts at responsible budgeting but also harms the affected communities imposing additional burdens on communities in need. It is also inefficient.

Each bureaucracy for which disaster money is directed spends money in the process of directing said funds. At the end of the process, less money ends up in the hands of the victims than taxpayers directed on their behalf.
These suggestions should in no way take away from the tremendous job that our disaster response officials do. The career officials in the U.S. government who deal with disaster are dedicated and skilled professionals. No one can prevent or eliminate the consequence of disasters, but we should appreciate the good work of these individuals and strive for improvements that will make their jobs easier going forward.

Thanks again for inviting me to testify.

CHAIR CANTU: Thank you, Dr. Troy. At this point, we are now going to hear from Ms. Johnson. Please proceed.

JO LINDA JOHNSON

MS. JOHNSON: Thank you so much and thank you for having me and good afternoon, everyone, Chair Cantu, Commissioners and Commission staff.

Thank you for your interest and the important work of the Federal Emergency Management Agency. It's my pleasure to join this briefing today together with my colleagues to address the Commission's questions.

Just a brief bit of background. I joined in FEMA in July of 2018, well after the historic 2017 hurricane season. However, I joined FEMA in large
part because of the 2017 hurricane season.

In the summer of 2017, I was with another DHS component leading their civil rights function. That season overwhelmed the country as noted by Mr. Sklar. And when FEMA sought volunteers from its sister agencies within DHS, I volunteered and was deployed to assist on the ground.

I spent six weeks observing firsthand the powerful help FEMA provides to people and to communities. I also saw firsthand the limitations of FEMA programs. I was compelled to join as a result of this and join the effort to see how I might assist the 20,000 plus dedicated professionals who are working across FEMA.

Mr. Bibo and Mr. Robinson described the scope and size of responding to disasters as well as the significant efforts that were put in in the wake of Harvey and Maria.

Mr. Currie described the scope and size of responding to disasters generally. And I agree with Mr. Troy. I learned a tremendous amount from his opening statement.

He also described the significant improvements that FEMA has made and continues to make with every new lesson learned.
In our statement, we have provided the Commission detailed information on civil rights concerns raised from Harvey and Maria as well as the subsequent outcomes. I welcome questions related to this information and appreciate the opportunity to hear your concerns. And I look forward to the discussion. Thank you.

CHAIR CANTU: Thank you and the gift of time is greatly appreciated because I've got Commissioners who really do have questions.

I'm going to ask Commissioners, would you please just ask one or two of the panelists rather than ask all seven to respond to your questions.

I'm going to allow Commissioner Yaki to go first and stick to the two rule because I would like to have possibly a second round.

COMMISSIONER YAKI: Thank you very much, Madam Chair. Thank you very much, Madam Chair. This is directed at Acting Associate Director Bibo or possibly Ms. Johnson as well.

As a general observation, and I think I foreshadowed this in my preparatory remarks, this is not an oversight hearing about how FEMA responded to Harvey and Maria. This is an oversight hearing about the civil rights implications of what that response
was.

And in at least two different studies of the data from the actual response by FEMA to Harvey and to Maria, one study said that if you were in a neighborhood with higher proportion of Black residents, the chances of you getting an inspection was diminished and that when you finally did get an inspection, there was an 11 percent denial without explanation rate versus for white neighborhoods that had a .4 percent. And in addition, there was also a disparity in the amount of money awarded in the amount of 5 to 10 percent difference.

Another study showed that blocks with significant numbers of non-white residents who had lower credit scores and lower income also had much lower approval rates and, again, much lower amounts of money given, which is kind of contrary exactly to what it is we're trying to do.

I'd like to get your response to those two studies and what you believe of the data and what the agency has done as a result of this.

MR. BIBO: Commissioner, thank you for the question and let me start by saying that for the first time in my service at FEMA, we have an administration and an administrator who has made
promoting equitable delivery of disaster assistance
one of the Agency’s top priorities, and I think it's
just important to note that at the outset.

So we are aware of a number of studies
that associate FEMA assistance with inequitable
outcomes for disaster survivors. The Commission, I'm
sure, is aware of recent reports in newspapers,
national level newspapers, that have shined a
spotlight on this and shined a spotlight again on
studies that would suggest that FEMA may provide less
assistance to survivors of different demographics.

We take these studies seriously. We take
seriously the findings, and we are digging into this.
As an Agency, we have made it a priority to do so.
We have launched an equity review of the Individual
Assistance Program, which is precisely the program,
Commissioner Yaki, that you're referring to in your
remarks from a moment ago.

And, as I say that, I think it's also
important to reaffirm that there are a number of
specific factors that figure into the delivery of
disaster assistance to individuals.

Every circumstance is different even
though there are commonalities among them. Until you
really dig in and look at a one-to-one comparison and
understand the specifics, it is difficult to
generalize.

And one of the reasons it is difficult to
generalize is because up to this point, and we are
working very aggressively on this right now, we have
not gathered demographic data for our Individual
Assistance applicants.

And so we have an obstruction in that
regard because we need to have that data in order to
do analysis ourselves and to be able to track equity
and delivery of the assistance that we provide.

That is one of a number of initiatives
that we have underway to strengthen our ability to
evaluate and then act on the equitable delivery of
disaster assistance.

COMMISSIONER YAKI: Are you saying that
until now, despite Katrina, despite everything, there
has been no systemic effort to attempt to
disaggregate the data, even to a consumer survey, to
understand exactly why some people may or may not
have qualified and whether or not there were any
factors in that that would be, let’s say, problematic
in terms of a federal civil rights perspective?

MR. BIBO: Well, we do extensive consumer
surveys of disaster survivors following disasters on
a range of topics. But our gathering of demographic
data has not been part and parcel of the Individual
Assistance Program. We are taking steps now to make
that part of what we do as a matter of course.

COMMISSIONER YAKI: Okay. Thank you.

Madam Chair, one additional question under your two
question rule. For those three who are watching,
FEMA is more than just individual response. It's
also community response as well through something
called the Public Assistance program, something that
I am very familiar with when I was working on behalf
of the City and County of San Francisco when I was an
aid to a member of Congress.

The question I have is actually for, I
think, Mr. Robinson, who is the Regional
Administrator. And, Mr. Robinson, thank you for the
work that you do. I have worked very closely with
Region 9 administrator throughout that entire period
of time and found him to be a dedicated public servant
as you are and working under difficult conditions at
best.

One of the things I wanted to ask of you
as someone who is more on the ground as it were, is
to what extent are you allowed or are you permitted
or do you have authority to interact with local
entities to whom you give grants whether it's the CDBG-DR or what have you?

And I'm specifically thinking about the articles that have come out about the initial plans by the Government Land Office of Texas with regard to the distribution of funds for home buybacks and hazard mitigation where the amount of money, for example, in Taylor's Landing worked out to something -- a community, by the way, that has absolutely no to very little Black residents -- worked out to around $69,000 per capita, per individual, and Port Arthur, which is a very large Black population, that the distribution of these Public Assistance funds worked out to about $84 per capita.

Have you heard about that and did you have anything to do -- did you have any reaction to that? And more importantly, does FEMA have any jurisdiction with which to ask a question of a grantee why are you doing it that way and what criteria are you using and is it impermissible under federal civil rights laws?

MR. ROBINSON: Commissioner, thanks for the question. And so FEMA does not authority over the CDBG-R program. That is a Housing and Urban Development grant program that is administered by
that agency.

We have a -- the Stafford Act has a mitigation grant program. And we work very closely with the state who is the grantee but also have project managers who work with the local applicants as they put together their application packages and stuff.

The same thing under the FEMA Public Assistance program. We have program delivery managers who work very closely with our state counterparts who work very closely with the local governments as they look at rebuilding.

And so in Harvey what we looked at very closely was what needed to be rebuilt and how we build that more resilient, implementing current codes and standards for current flood plain regulations but working in the field with our program delivery managers as well as our state counterparts to help local governments recover.

CHAIR CANTUS: Thank you. Can I have Mr. Kladney? Commissioner?

COMMISSIONER KLADNEY: Thank you, Madam Chair. Ms. Johnson, I'm interested in FEMA and how they treat disabled people. And so my question here may sound complicated because I'm only allowed a
couple.

But FEMA has failed to develop assistance for disabled people that are power dependent, at least before Maria and Harvey, people who needed personal assistance, had service animals, bariatric equipment -- excuse me, I also have a phone mess in my room -- and more importantly people with mental health conditions like autism and support for people with cognitive and intellectual disabilities.

It is my understanding many of these people were sent to long-term care facilities when in fact they could have been in shelters with non-disabled people.

And I understand you have a training program called a Disability Integration Cadre. This is on your website. It calls for integration specialists and advisors who provide services at evacuation centers.

One, I was wondering if you could provide us with a copy of the training program for providing these services that existed immediately prior to Harvey and Maria and a copy that you currently have after Harvey and Maria.

But I would also like to know what's been done since these hurricanes to change this and comply
more with Olmstead?

MS. JOHNSON: Thank you, Commissioner Kladney, for your question. I appreciate that. It would be my pleasure to tell you a little bit more about FEMA’s Office of Disability Integration and Coordination. We refer to that as ODIC.

ODIC is an office whose primary mission is to ensure that individuals with disabilities, and the concerns and needs of individuals with disabilities and communities, are integrated into a response to a disaster.

And so the Office of Disability Integration and Coordination work hand-in-hand with our FEMA programs in response and in recovery to build in the appropriate responses and the appropriate considerations into those programs.

ODIC also works with -- in addition to FEMA programs and FEMA personnel, they also work with our SLTT recipients to ensure that they have adequately considered the needs of individuals with disabilities.

As you noted, there have been concerns raised in several states about the sheltering of individuals with disabilities in long-term care facilities as opposed to in general population
shelters with the rest of their community.

When those issues come up, we work directly with those states, with those localities to ensure that the communities of individuals with disabilities are getting exactly what they need.

I'd be happy to take back your request for the training materials. And we can certainly provide that to the Commission after this meeting.

MEMBER KLADNEY: I think really what I'm looking for is an answer as to what's been specifically done since then to make sure that disabled people are allowed to stay with their communities. I never get those answers, and I was wondering if you could provide that to me.

MS. JOHNSON: Yes, sir. And I certainly want to provide you with a clear answer. Unfortunately, the answer, like most things in disaster response, is actually quite complicated.

FEMA is limited to working -- when a disaster strikes, in a particular location. We are limited in working with the states within their own rules and their own regulations. And in different states, there are different regulations for sheltering, for example.

Where that legislation is problematic
from a federal perspective, that is where my office, the Office of Equal Rights, gets involved with the state, with our partners in ORR to ensure that we're doing right by those communities.

It varies from location to location unfortunately. So it is not a simple answer. However, I am happy to follow-up with you on the particulars of our response in Harvey and Maria.

COMMISSIONER KLANDNEY: Thank you. And I have a question for Mr. Currie. Regarding the insurance and funding, isn't it true that local governments underinsure their facilities knowing that the federal government will come in and pay in the future? Shouldn't Congress require these local governments to insure up to a fair market value?

MR. CURRIE: That's a great point. We've never said in a study that that's definitively the case. However, it's pretty hard to argue that it's not - with the hundreds of billions of dollars provided in Public Assistance funding, a lot of that going to repair public buildings, city hall, you know, recreation centers, things like that.

The question would be why would a state or local government insure those facilities if they knew the federal government was going to pay for it?
So I think that's a very valid point.

In regard to Congress taking action on that, you know, certainly I don't know that would be in the federal purview because I don't know that they could require states or localities.

I mean, they would look at the Stafford Act and, you know, make amendments to what would or would not be covered in terms of public facilities to maybe try to encourage additional insurance.

But, you know, the other challenge in this area has been the same has been true in flood insurance is that a lot of insurance, you know, the insurance markets won't support that because it's just not just actuarially sound. The risk is too high. So the federal government has to step in in those cases and basically be the insurer.

COMMISSIONER KLADEY: Thank you. Thank you, Madam Chair.

CHAIR CANTU: Thank you. Commissioner Gilchrist, you've got your hand up?

COMMISSIONER GILCHRIST: Yes. Thank you, Madam Chair, and let me thank all of the panelists for your testimony here today.

My question is directed to Mr. Currie.

Mr. Currie, in May of 2021, the President announced
that FEMA would be receiving a billion dollars for building what's classified as resilient communities and a portion of that apparently is to be targeted to disadvantaged communities. Is that right?

MR. CURRIE: That's my understanding.

COMMISSIONER GILCHRIST: And so I'm just -- help me understand a little bit about what may be some of those activities that could potentially be targeted and more specifically your thoughts about how that should be rolled out.

MR. CURRIE: Yes, sir. Great question.

Well, the building resilient infrastructure communities of -- the BRIC program is a new grant that is basically designed to be awarded competitively across the country to help state and local communities address those areas of highest risk.

So the idea is you don't have to wait for a disaster to happen to get federal funding to rebuild in a more resilient way. We can be more proactive and hopefully avoid a lot of the damage and disruption in the community in the future.

I am aware of the announcement that a portion of that funding will be directed, you know, to vulnerable populations. I don't know that the
specifics have been spelled out. Mr. Bibo may know that more. But I will say this. That I think it's going to be really interesting to see, you know, what criteria are used to make those determinations.

I talked about this in my opening statement. One of the challenges that communities with fewer resources and more vulnerable populations, less educated, more low income, you know, they don't necessarily have the same capacity and resources, you know, to bring in the help to manage some of these programs.

So, you know, the question I would have is, you know, how are these communities going to develop their plans for these funds because they have to justify how they're going to use this funding and provide technical assessments and risk-based decision-making and things like that.

So I think that's something that needs to be addressed on the front end, you know, how do we make sure that, you know, a lower income county or community can compete with a highly resourced, you know, county or community that has a tremendous amount of experience with these types of programs?

COMMISSIONER GILCHRIST: I applaud you in that regard. And certainly that would be coming out.
Mr. Bibo, would you like to comment on that as well?

MR. BIBO: Commissioner, while the BRIC program is not in my area of responsibility, I am familiar with the fact that as part of the scoring criteria for BRIC funding proposals, 15 percent of the qualitative scoring criteria considers the extent to which socially vulnerable populations were included in consideration for the application. There is also additional technical scoring criteria.

While I'm not certain how the mitigation program intends to apply that, I can tell you that in our recent efforts around vaccination efforts where we placed federally run Community Vaccination Centers in selected communities across the country, we used the CDC Social Vulnerability Index to help guide us with the placement of those vaccination centers so that we could reach socially vulnerable populations as readily and accessibly as possible. So I'm happy to follow up with the program officials to get you some additional information for the record.

COMMISSIONER GILCHRIST: Please, that would be helpful. Thank you. Thank you, Madam Chair.

CHAIR CANTU: I'm going to call on myself. My question has to do with farmers of color and to let you that this is a family story. When my
mother was four months old, she survived the hurricane in South Texas.

Her mom and dad and her older sister spent the night in a chicken coop. That was the highest piece of property they had, the highest structure that they could take shelter in.

So given that low income farmers of color and people in rural areas, you know, have fewer resources and challenges in terms of communication accessibility, I'm going to ask Mr. Bibo what FEMA is doing directed at the rural areas and programs or data broken out by ruralas.

MR. BIBO: Yes, Madam Chair. Thank you for the question. And the answer is yes. In fact, when we deploy to disasters, we will organize ourselves in a way that gives FEMA field leaders responsibility for a certain geographic area, particularly in the significant incidents that we're talking about today and others that you will have heard of.

What this does is it puts a division supervisor or branch director you may hear us refer to them as in the position of understanding the geographic area that they are serving and understanding the population that they are serving.
and understanding how to reach the population that they are serving.

This is something that we have gotten a lot better on in recent years given the greater ownership to our field leaders in how they reach populations that they are responsible for, whether it's different language approaches or if it's a population that relies more on receiving information via radio than television, if it's a population that is more likely to come in person to apply for disaster assistance rather than to pick up the phone or to go on the Internet. It's really working hard to try and meet people where they are.

I'll give you a recent example, in Lake Charles, Louisiana, which is an area that has been affected over the last year by multiple disasters, including two tropical cyclones and a recent spate of severe storms and happens to have a lower vaccination rate than we are all striving for with respect to COVID-19.

So in partnership with the State of Louisiana, FEMA Region 6, Tony Robinson's team, opened a recovery service center to provide accessible information to disaster survivors cutting across all of these disasters and provided the
opportunity to be vaccinated at the same site. Not a thing that people were coming to the site specifically to do, but were taking an opportunity in an under-vaccinated community to make it available. And, you know, 14 percent of those who have shown up at the site have availed themselves of a vaccine which is, you know, a positive story.

But understanding the local community we're serving, trying to meet them where they are in how we communicate, what we communicate and the services that we offer is something that we have gotten a lot better in recent years.

CHAIR CANTU: Thank you. I mean, just an anecdotally, we've lost a lot of nurses in areas that are rural, and they moved into the urban center, what is now a sizable population, for the rural is going to be the margin of the future.

Commissioners? Okay. I'm going to -- someone --

COMMISSIONER YAKI: I saw Commissioner Adams. And then I raised my hand but Commissioner Adams --

CHAIR CANTU: Thank you. Thank you for that. I'm glad you're helping with that. Commissioner Adams and then I'll come back with
COMMISSIONER ADAMS: Madam Chair. Thank you, Commissioner Yaki. My first question is for Mr. Bibo. Since you've been at FEMA in 2009, have you had the opportunity to hear or otherwise see firsthand or have any interaction or awareness of any racially discriminatory policies being discussed or people even saying stupid things related to the distribution of aid in your experience there?

MR. BIBO: No, Commissioner, I have not.

COMMISSIONER ADAMS: Okay. My next question is for Mr. Sklar. Could you translate something for me? You used a term I was unfamiliar with, lost visibility of its commodity shipments. What does that mean?

MR. SKLAR: So FEMA actually has some really nice processes and procedures to track commodities from point to point, for example, from the continental United States to Puerto Rico. And they have things like GPS transponders that you can attach to a container.

And there are actually seals that they placed on containers so that when it reaches the destination, you can then download that information and know exactly what's in that giant container and
if it reached target.

But what we found in our review was that not all transponders were functional and that in the case of Hurricane Maria that the seals were broken before the supplies even left the United States.

In other words, the contractor just opened up the shipping packages and repacked everything, broke the seal. And then once it got to Puerto Rico, there was no visibility as to what items had made it to target.

COMMISSIONER ADAMS: Do you eventually turn it over to somebody in Puerto Rico?

MR. SKLAR: A lot of these shipments were destined for municipalities in particular areas. So a lot of things get pushed down to smaller and smaller shipments. It was really important to know what actually made it over in the first place.

COMMISSIONER ADAMS: Has your office ever investigated or are aware of any deliberate disparities, racial disparities in FEMA disaster aid allocation?

MR. SKLAR: I'm not aware of any work in that area. But we are certainly aware of the media stories and really appreciated the discussion today.

One of the first things we would ask for
likely if we were to do such a job or audit review
would be to ask for the data. So maybe it just shows
how critical it is to capture that data as we go
along.

One final point on data. We did do quite
a bit of work on looking at the IT systems that were
in place. And it is our sincere hope, and I think
FEMA is responding, that they do allocate more money
to automation and IT for data capture so when folks
do arrive onsite that they can share information
amongst themselves and with other individuals and
other law enforcement agencies. But the data is
absolutely imperative here.

COMMISSIONER ADAMS: Thank you. That's
all I have.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: Thank you very much,
Madam Chair. So I want to talk about -- and I'm not
too sure if this should go to Mr. Currie or Mr. Sklar
or Mr. Bibo, but one of the issues that is important
toward being effective in both the response and the
recovery is the ability to reach affected
populations.

And I'd like to understand what FEMA's
policy is or has it had a policy with regard to the
issue of language and cultural competency of its
responders, of its recovery to individuals or the
people who go knocking door to door verifying aid
requests, the whole chain of disaster response from
the federal government.

To what extent, for example, when you saw
these hurricanes headed toward landfall in Texas and
when you saw this going toward Puerto Rico, to what
extent, for example, did that mobilize or should it
mobilize much more in the way of Spanish speakers in
terms of understanding what cultural or other issues
may be involved in trying to reach these populations
in terms of making sure that they responded
correctly?

We all know that there are many
populations -- especially, like if you're a DREAMer,
for example, or if you're a parent of a DREAMer, you
might be not willing to sort of answer the door if
someone is knocking on it.

How does FEMA or how has FEMA ever responded in that way or prepared in that way
with regard to -- for Latinx populations that are
going to be targeted by a natural disaster like a
hurricane?

MR. BIBO: Commissioner, I think it's
appropriate for me to start with that question if I can. I would first say that the quantity of personnel that we had who were fluent in Spanish as we approached a very significant incident, particularly in Puerto Rico, was a limitation for us. We did not have as many personnel that were fluent in Spanish as would have been helpful in delivering the assistance that we needed to deliver at speed.

And thankfully we're in a very different position today. We have now still more than 700 people that are FEMA employees in Puerto Rico, most of whom were hired locally in Puerto Rico after the storm, which is something that we can do quite quickly and do in many disasters that we face. And it helps us not only with language competency locally but also with local knowledge and, again, going back to the point of meeting people where they are.

We now find ourselves in a position where we have a solid core of Spanish speakers, which is, I would say, the most frequent language that is of greatest consequence in the disaster environment facing, but it's not the only. And so we have to rely on a range of other tools, contractors, for instance, to resolve other shortfalls. But I'll say --
COMMISSIONER YAKI: Just a quick question, just to interject very quickly. That's great. How about the materials themselves, the applications, the website, things like that? Is there a language option in there as well?

MR. BIBO: Yes. And this is, again, another place where we've come a long way. We have paid close attention to the languages that are in play in a particular area that we are working.

I will tell you for instance this morning, right after the press release announcing the President's declaration of an emergency for Florida for the building collapse in Miami-Dade went out in English. It went out in Spanish immediately thereafter. That is common practice now.

The federally run Community Vaccination Centers and those that we provided guidance to around the country that we provided funding for, we also provided guidance about language access and placing signage in multiple languages as well as American sign language interpretation service availability.

So we've really come a long way with this. We take it very seriously.

COMMISSIONER YAKI: And at the disaster assistance centers themselves, I know most of its
done online now. I remember the analog era where people got to stand in line and actually submit their applications.

But to the extent that there are still people on the ground, how about the contractors, for example, the people who go and verify the claims for individuals and housing programs? Is there a way to assign and ensure that if the household is Spanish speaking that they send a Spanish speaking contractor to them as well?

MR. BIBO: Commissioner, if I could, I would like to ask Ms. Johnson to say a word because this is a part of what she has been leading as well across the Agency, if that's appropriate.

MS. JOHNSON: Absolutely. Thank you, sir. Commissioner, I would say two things in response to that. If we have information ahead of time about the household that we are encountering, whether it's a language, a limited English proficient household, whether it's an individual who, harkening it back to Commissioner Kladney's question about individuals with disabilities, if it's a household that has someone who is deaf, then we'll need a sign language interpreter. Whatever the actual language needs, the communication needs are, if we have that information
ahead of time, the answer to your question is yes. We can provide the assistance that is needed the first time they encounter FEMA personnel.

In reality, however, we often do not have that information ahead of time. And that’s where we can use technology to assist our contractors in the field.

So we have at FEMA a robust language access plan that is on our website. Mr. Bibo mentioned our successes in the Community Vaccination Centers and the language access that was provided in those Community Vaccination Centers.

One of the ways we did that is with a language line, where we provided information in over 180 languages based on an individual who walks in the door, we can get someone on the phone in their language very quickly.

We can also do that, use technology to provide sign language interpreters on the ground immediately in front of an individual. So hopefully, that addresses your question.

MR. BIBO: Commissioner, if I may just add one additional item that I think will be --

COMMISSIONER YAKI: Sure.

MR. BIBO: -- of interest to the
Commission. For the first time in FEMA's history, with the vaccination mission that the President launched on January 20, we convened in FEMA's National Response Coordination Center a Civil Rights Advisory Group that was led by Ms. Johnson and helped promote and drive several of the initiatives that you've heard referenced here today with respect to promoting equity and access for socially vulnerable populations in that vaccination mission, including deploying Civil Rights Advisors to FEMA's 10 regional administrators who are operationalizing a number of those programs.

And so Ms. Johnson led that civil rights advisory group. And I just wanted to note that for the Commission's benefit.

COMMISSIONER YAKI: Thank you, Mr. Bibo.

MR. ROBINSON: Hey, Dave, if I can add, this is part of the region's pre-planning for known threats and hazards and part of our damage assessment process. We collect that data as well so that as we build our teams to send to the field, we take that into consideration as well.

CHAIR CANTU: I'm going to turn to David, but it is not a new problem that people need services and language accessibility in order to receive those
services. A friend of mind filed a lawsuit on behalf of Spanish speaking farmers in Texas and the defense was -- they were being foreclosed upon and all of the notices were in English.

And their defense was, well, we didn't know where to find notices that had already been translated. And it turned out in discovery that the notices had been translated in Puerto Rico and just the agencies that were foreclosing didn't know that.

And so this was a problem more than 10 years ago. And that you're working on it now is wonderful, and I really thank you, Ms. Johnson, for saying that and for doing what you're doing. But it's an older problem, and it has roots in decision-making that impacted very heavily on people who are a minority.

So I'm going to call on David, on Commissioner Kladney. I'm going to give the last word to Commissioner Gilchrist and then we're going to take a 10 minute break. So please be brief with us, okay?

And the contractors are counting on me to be able to put this in a format that the public can view it. Commissioner Kladney?

COMMISSIONER KLADNEY: Ms. Johnson, I've
thought about the answer to one of my questions, and you said that the local government seemed to have different laws that seemed to block you from providing disabled people the ability to be in the regular shelter with non-disabled people.

Was that your answer? Did I understand that right?

MS. JOHNSON: To clarify, Commissioner Kladney, it's not that they block FEMA. It's that they can make it more of a challenge in that we have to intervene.

I'm going to get this phrase wrong, and I want to give my colleagues a chance to correct me. But emergency management with FEMA is locally executed.

And it's important to remember that at all times. FEMA is not necessarily on the ground with states, localities, Tribes and territories making decisions in the first moments that decisions are made.

And when decisions are made that are counter to civil rights requirements, and I know all of you know this as civil rights practitioners, decisions get made and we, as civil rights attorneys, have to come back and undo those at times.
So there may be decisions that are made by states that are contrary to federal law. When federal funds are in place, we need to bring them into compliance and that sometimes takes time. It doesn't always happen in the initial moment.

And just, again, Commissioner Kladney, to clarify, the trigger is when federal funds come into play. A state is free to respond to a disaster as it sees fit if it does not invite the Federal Government in. So it's a different question.

COMMISSIONER KLADNEY: So do you -- well, when you train the local emergency management people, don't you train them on Olmstead? Don't you tell them it's a requirement? Don't you tell them how they're supposed to react?

MS. JOHNSON: Absolutely.

COMMISSIONER KLADNEY: So they still violate it, and you still fund?

MS. JOHNSON: So what we fund and how we respond varies from disaster to disaster and how a state, a locality, a Tribe or a territory responds without federal funds versus when there is a presidentially declared disaster and FEMA is involved. Those are not always the same.

COMMISSIONER KLADNEY: And I have
questions for Mr. Sklar and Mr. Begg. I was wondering, Mr. Sklar, you said you were going to publish some post-audits that you've done regarding Maria and Harvey. Is that correct, for a report?

MR. SKLAR: So just to clarify, so we did complete 10 audits, and those are all posted on our website. But I can certainly make them available, point the Commission to all of those.

There are six additional products in process and some begin to cross over into COVID as well as we begin to look at the COVID response and FEMA's work on that.

COMMISSIONER KLADNEY: Thank you. And for both of you, I was wondering if you were satisfied with the actions taken from FEMA and the responses to your reports and recommendations that were made as a result of the hurricanes and also their civil rights compliance?

MR. SKLAR: I can try to answer first. I would say generally FEMA has been cooperative and certainly trying to meet the spirit of the recommendations that we have laid out.

But I can't report that all of the recommendations have been implemented yet and some are still under discussion. But for the most part,
FEMA has expressed interest in cooperating and making necessary changes, and we really appreciate that.

COMMISSIONER KLAINEY: Which ones do you think are the most important ones that are outstanding?

MR. SKLAR: One of the biggest problems we saw was the lack of advanced contracts in place. I think that could have prevented a lot of problems in some of these hurricane situations. In other words, you actually do contracts beforehand and you may never use them but they're there and ready to go.

But when you don't have those, you're in a situation where you're just scrambling and that was pretty apparent. So I think that's pretty important.

And we also think it's really important to have much better tracking of all items from point to point. And there are a lot of issues that go with that tracking that can make things better.

And finally, again, the IT suggestions are real. Just imagine hundreds of people pouring into a disaster response site and not having laptops, not having access to a network, and coming back and going out to a neighborhood and not being able to input what neighborhood they were just at because they can't get on the system. And that would go to
your racial disparities.

And you need that data. So we really need a good IT backbone at FEMA. It helps everybody.

COMMISSIONER KLUADNEY: Thank you. Mr. Begg --

CHAIR CANTU: Commissioners, we're going to start the next panel in five minutes. So I'm sorry, Commissioner Kirsanow, I'm sorry, Commissioner Kladney.

We need to stay on schedule. We were queued up to start. We're going to take a five minute break. And then please come back in five minutes because the next panel is ready to go.

And so I thank everyone who has spoken. And I really appreciate the specific questions that the Commissioners posed.

You are free to supplement the record later. We will keep the record open for 30 days. So if you've got more information, panelists, we look forward to hearing from you.

See you all in five minutes.

(Whereupon, the above-entitled matter went off the record at 1:38 p.m. and resumed at 1:44 p.m.)

CHAIR CANTU: Welcome back to the US
Commission on Civil Rights. We have our second panel on the issues of federal responses to Hurricanes Maria and Harvey. So we'll -- and protections following a natural disaster.

Let me briefly introduce the panelists in the order in which they will speak. Our first panelist is Kira Romero-Craft, Director of the Southeast Region for LatinoJustice, PRLDEF, LatinoJustice.

Our second panelist is Andres Gallegos, Chairman, National Council on Disability. Our third panelist is Nicole Roy, Project -- Project Coordinator, Salvation Army. Our fourth panelist is Charley Willison, Postdoctoral Fellow. Dr. Willison is at the Harvard Medical School.

So Ms. Romero, Craft, please proceed. We've got a timer -- no? Not set up in the corner. I will time you for seven minutes, and on that countdown, you'll see me waving hands when you're close to the end. So Ms. Romero-Craft, you're the first one. Please proceed.

KIRA ROMERO-CRAFT, DIRECTOR, SOUTHEAST REGION
LATINO JUSTICE, PRLDEF

MS. ROMERO-CRAFT: Thank you very much.
Thank you all, Chair Cantu and members of the US Commission on Civil Rights. My name is Kira Romero-Craft, and I serve as the Director of the Southeast Region for LatinoJustice PRLDEF, the Puerto Rican Legal Defense and Education Fund.

LatinoJustice is a human and civil rights organization dedicated to defending the rights of all Latinos, including Puerto Ricans, and is anchored in the experience of the Puerto Rico diaspora since our inception. Today we continue to address the civil and constitutional rights of Puerto Rican and Latino communities.

Thank you for the opportunity to testify before you in the place of Juan Cartagena about the ongoing issues related to Hurricane Maria, including the effect on migration and the difficulties evacuees face, the disparities and inequalities associated with relief, and the continuing rebuilding efforts in the struggles that persist still today, almost four years later.

I have been working with impacted Puerto Rican evacuees since 2017 and have experienced firsthand the complaints of discrimination suffered by Puerto Ricans fleeing disaster. But also have
witnessed the lasting trauma associated with such a disaster.

Over 175,000 people fled Puerto Rico within one year of Hurricane Maria, and instead of being welcomed with sympathy and safety, they were met with additional hardships, lack of stability, and abject disregard for the long-term rebuilding efforts required to provide equity to Puerto Ricans living on the island.

Under the Stafford Act, Puerto Rico and the US Virgin Islands are covered with the same protections and forces applicable to the States, as the Act prohibits discrimination in the provision of disaster assistance to jurisdictions like the colony of Puerto Rico. And yet, it is clear from multiple government reports, news articles, and studies conducted that Puerto Rico received disparate treatment, and to their detriment.

The Government Accountability Office has found that FEMA's response to Hurricane Maria in Puerto Rico alone represents the largest and longest single response in the Agency's history. FEMA itself reported in its after-action report of 2018 that the pre-hurricane planning assumptions were severely
underestimated, when looking at actual damage, and required significantly more assistance than expected.

Not only did FEMA not adequately predict or prepare for a storm such as one like Hurricane Maria in response, FEMA lacked the necessary personnel needed to handle the storms. And even when FEMA sent staff, not as many staff deployed at one time, and the staff (audio interference) disparate treatment with lack of funding.

While states affected by Hurricanes Harvey and Irma awarded nearly one billion in aid to survivors within two months post-landfall, survivors of Hurricane Maria on the island did not get awarded the same amount of funding until nearly four months after landfall.

Despite the blatant failures by FEMA, it must be understood that Puerto Rico's financial crisis created a different and more complex situation that FEMA was prepared for. The response to Maria required a reimbursement program, with local agencies providing the initial funding for the work and seeking reimbursements afterwards.

Yet these municipalities and the island overall is crippled by debt that restricted this
program, which made the program ineffective in the face of the scale of devastation caused by the hurricane to the island’s infrastructure. As such, of the 23.8 billion allocated, Puerto Rico has only spent 158 million for long-term rebuilding projects. While our written testimony did not include assertions of discrimination claims made outside of our lawsuit, Ascencio v. FEMA, the case that we filed, we’d like to amend the statement and assert that housing discrimination and wrongful ejection did occur.

On February 2019, news reports noted that of the 1.1 million claims made by Puerto Ricans living on the island for assistance for FEMA, less than half were approved because FEMA either denied requests for repair outright, or demanded onerous and expensive alternative documentation. And in Florida, we dealt with survivors who were wrongfully ejected from hotels receiving TSA funding, as well as those seeking lease or rental opportunities being charged application fees for units that were non-existent. For individuals fleeing disaster without resources, the impact of lack of affordable housing and housing instability were approved because FEMA either denied requests for repair outright, or demanded onerous and expensive alternative documentation. And in Florida, we dealt with survivors who were wrongfully ejected from hotels receiving TSA funding, as well as those seeking lease or rental opportunities being charged application fees for units that were non-existent. For individuals fleeing disaster without resources, the impact of housing discrimination and wrongful ejection did occur.

On February 2019, news reports noted that of the 1.1 million claims made by Puerto Ricans living on the island for assistance for FEMA, less than half were approved because FEMA either denied requests for repair outright, or demanded onerous and expensive alternative documentation. And in Florida, we dealt with survivors who were wrongfully ejected from hotels receiving TSA funding, as well as those seeking lease or rental opportunities being charged application fees for units that were non-existent. For individuals fleeing disaster without resources, the impact of lack of affordable housing and housing instability was significant.
cannot be understated.

In closing, we emphasize that the aftermath and the response to two different disasters in two different jurisdictions varied immensely. However, the Stafford Act along with its non-discrimination mandates does not make such a distinction. We submit that the White House made those distinctions repeatedly.

It is impossible to ignore that there's still work to be done in Puerto Rico. By plane you can see blue tarps that serve as roofs for those individuals who have yet to recover. These blue tarps also serve as stark reminders of the work that needs to be done. Darkness covered the entire island when Hurricanes Irma and Maria hit in September 2017, with only the stars to light the night.

Citizens awaited for answers about when power would return. Some of our fellow citizens waited in the dark for an entire year in the longest blackout in American history. And almost four years later, they still remain in the dark, metaphorically and also literally, with the crippled infrastructure and the fear of an impending storm with stronger force looming in the distance.
We must bring Puerto Rico out of the years of darkness and provide the support that is due to Puerto Ricans. Thank you very much for your time and attention and the opportunity to speak on behalf of impacted Puerto Rican evacuees and the fight for equality today.

CHAIR CANTU: Thank you, Ms. Romero-Craft. Mr. Gallegos, we’ll hear from you now. Please proceed.

ANDRES GALLEGOS, CHAIRMAN,
NATIONAL COUNCIL ON DISABILITIES

MR. GALLEGOS: Chair Cantu, Commissioners, ladies and gentlemen, good afternoon. Thank you for the invitation to participate in this briefing. I refer you to my written testimony, which provides background to the issues that I will highlight here.

The federal local response, both in Puerto Rico and Houston, failed people with disabilities, with deadly consequences. People with disabilities were not included in emergency planning and were excluded from accessing much of the disaster relief provided in their aftermath.

In addition, there was a notable
disparate federal response to Hurricane Maria as compared to the federal response to Hurricane Harvey.

Since the post-Katrina Emergency Management Reform Act of 2006 required the National Council on Disability and FEMA to work close with each other to improve the outcomes of persons with disabilities before, during, and after major disasters. NCD has served as a liaison with the disability community and FEMA.

My comments here are informed by meetings and discussions with the disabilities community. In fact, in May 2018 the National Council on Disability went to Houston to hear firsthand from the disability community. And we went to Puerto Rico in May 2019 to do the same.

While today's briefing focuses on discrete aspects of FEMA's response to these natural disasters, as it pertains to Puerto Rico, I think it's important that we understand the plight of people with disabilities residing on the Island before September 2017.

Now, that's important to better understand why they were so vulnerable to the effects of the hurricane and why greater efforts to address
their needs and recovery was required. Look, we're
talking about the needs of approximately 687,000
people representing 21.7% of the island's population.

People with disabilities were vulnerable
to the effects of the hurricane, which was very
predictable, given the shaky infrastructure
supporting their needs prior to the hurricane.
Please note that their vulnerability was not
predictable because of the existence of the
disabilities. Rather, because of the environmental,
societal, and political infrastructure on the island.

There was significant economic
vulnerability, given the island's economic condition
and its disparate treatment in federal benefit
programs. The island's economic posture was bleak.
It filed for the equivalent of federal bankruptcy
protection in May 2017. More than 45% of the island's
population lived below the federal poverty level.
That's more than three times the US national poverty
rate.

In 2017, the poverty rate was 48% among
working-age people with disabilities. Residents of
Puerto Rico are ineligible for the Supplemental
Security Income SSI program, arguably the single most
important safety net program for people with disabilities in the United States.

Instead, they received benefits under its predecessor program, the Aid to Aged, Blind and Disabled Program, AABD. AABD, however, is not a substitute for SSI. It provides significantly lower benefits. The rate of maximum monthly SSI benefit is $741, compared to $75 under AABD.

Moreover, there was significant food insecurity. The Supplemental Nutrition Assistance Program, SNAP, is available in all 50 states, DC, Guam, and the Virgin Islands, but not in Puerto Rico. Instead, Puerto Rico receives a block grant to fund its own nutritional assistance program, NAP. SNAP benefits are larger than NAP benefits. The criteria to qualify for SNAP are lower than that of NAP.

The healthcare system also faced challenges, mainly because it was underfunded. Unlike the 50 states and DC, Medicaid spending in Puerto Rico had been subject to the statutory annual cap. The scope of the island's Medicaid program itself was severely limited. It does not cover home health services, hospice services, medical equipment, and supplies, or nursing facility services.
All of the foregoing contributed to a low degree of resiliency in the ability of Puerto Rican residents to, with this relief, to respond to the effects of the hurricane. Thus, when Puerto Rico was hit by Hurricane Maria, the effects were magnified for its residents with disabilities.

As reported by the Puerto Rico Disability Community Relief Network, there was only one fully accessible centralized shelter for people with disabilities.

Schools used for shelters in the 78 municipalities were physically accessible, they had a ramp for wheelchair access, but did not have accessible sleeping areas, accessible showers, medical assistance, medical supplies, alternate power, or sign language interpreters. None were equipped to address the needs of persons with intellectual or developmental disabilities.

As reported by the Partnership for Inclusive Disaster Strategies in its May 2018 after-action report, people with disabilities were turned away from both general and special needs shelters. Among the reasons included power dependence, the need for personal assistance services, service animals,
mental health conditions, and the need for support
due to cognitive or intellectual disabilities. And
disaster survivors with disabilities also did not
have equal access to the FEMA application process.

In closing, by failing to ensure access
to disaster relief services, FEMA violated the rights
guaranteed to individuals with disabilities under the
federal non-discrimination laws.

That was clearly noted on October 25, 2017, when the US House of Representatives Committee
on Homeland Security wrote to the Homeland Security’
Acting Secretary and FEMA's Acting Administrator,
requesting answers as to why the civil rights of
people with disabilities were not protected during
the response to Hurricane Maria.

The letter accused both of playing hot
potato with their responsibilities to protect the
civil rights of disaster survivors, pointing out that
people with disabilities were paying the price. The
exact price is unknown.

According to the 2018 George Washington
University Study, Hurricane Maria resulted in the
death of 2,975 people. How many were people with
disabilities is not exactly known. Disability is not
a mortality data point captured in the United States or in Puerto Rico.

Thank you again for the opportunity to brief the Commission.

CHAIR CANTU: Thank you, Mr. Gallegos.

Our third panelist, Nicole Roy, would you -- would you please proceed.

NICOLE ROY, PROJECT COORDINATOR
SALVATION ARMY

MS. ROY: Good afternoon today to everybody, and thank you for the honor of being invited to this panel. I have the great honor of serving as the Project Coordinator for the Salvation Army long-term recovery here in Puerto Rico. I came as a volunteer and was supposed to stay two weeks, and I never left.

The injustice that I saw here and also the need was profound. I had volunteered in many other disasters across primarily the US and had seen a much more interactive role, a much more cohesive role with municipalities and across the local entities. Some of that was missing. Logistically things were delayed here as well.

When we first started to become an
organization that was looking at doing a long-term recovery effort here in Puerto Rico, we had set boundaries and had already had a set denomination of funds. We had to escalate that seeing the need and trying to reach the need.

We have now at this point done direct services of over 30 million. That isn't product, that is direct service to a person that is tangible. We have had over 31,400 clients. Those are not individuals, that's a family entity.

So the need was profound. The gap areas that we were seeing on the boots, feet on the boots on the ground here were a concern for us. We saw many people denied for generators that had medical needs, disabilities that needed extenuating assistance or in-person visits. They could not reach the DRCs at the time. Eventually turned into CRCs.

They could not access anything online, and that was a large-scale confusion here on the island. You had people that were not able to read or write, so some of the process was difficult for them. We had to walk them through things and do even re-applications after they were denied.

But the cultural insensitivity here also
was prevalent in the fact that when homes were being assessed, unfortunately they were being understood as this a family home, an entity that has been passed down. There was a lot of cultural confusion with how to proceed as this is not the United States, this is Puerto Rico.

And unfortunately many people got left behind in that and we had to really help. We were lucky for free legal assistance that partnered with us. We were lucky for those that were willing to come out and do assessments. And again, this was something that there was a disconnect with an outside force and with FEMA, with a actual survivor.

I want to talk about what actually happened with the one true survivor that needed the help then and there. The blackout was something that needed to be addressed as far as those with disabilities and severe needs. The mental health, we had the highest amount of suicide ideation in this timeframe. Things that were not being addressed.

All DRCs and CRCs were in downtown areas of the 78 municipalities, and unfortunately that was not something that was accessible to most people. That was a large logistical concern. The two smaller
islands off of Puerto Rico, Culebra and Vieques, were delayed significantly in services and were not able to be treated on equal services as the main island of Puerto Rico.

Vieques still is very much behind in what they are able to provide their people in forms of recovery methods. Where mainland Puerto Rico recovered significantly faster, you have rural areas, specifically pocketed rural areas that were more than a year delayed, as well as Vieques, which is a population of almost ten thousand people that are survivors as well.

I talk about the human nature of the delays and the logistical issues that I see and the lack of cohesion with the local entities of the 78 municipalities and the local NGOs. I feel like this has improved in some capacity. I can talk because I live here on island and lived through the earthquakes.

There was improvement, there was measures trying to be met with full logistics, legal, language, cultural modifications. And that was something that aided in the efforts being faster. I still am very grateful that you are all looking into
this now and that you are willing to hear what
everybody has to say. This is how we learn and
improve. And I'm very thankful and honored to be
asked to be on this.

And I also indicate everything on the
written statement as well. Thank you.

CHAIR CANTU: Thank you, thank you. We
would like to hear from you now, please proceed.

CHARLEY WILLISON,
POSTDOCTORAL FELLOW, HARVARD UNIVERSITY

DR. WILLISON: Thank you, Commissioners,
for inviting me to participate.

CHAIR CANTU: Dr. Willison.

DR. WILLISON: No problem, thank you so
much. Thank you, Commissioners, for inviting me to
participate in today's discussion. My focus is on
the federal responses to Hurricanes Maria and Harvey
and considerations for improving equity in future
federal disaster responses. I will also include
Hurricane Irma in Florida in my comments as a relevant
comparison point.

The outcomes and choices governments make
in disaster responses are increasingly important as
we face the ongoing COVID-19 pandemic and
anthropogenic climate change that increases the likelihood of public health disasters. Racial or ethnic minority group members and low income individuals are the most at-risk of adverse health and economic consequences during disasters.

Recognizing these risks and addressing accessibility barriers during federal aid deliberations will help the federal government prepare for future disasters and reduce the risk of exacerbating inequities in future disaster responses.

In 2017, the federal government responded on a larger scale and much more quickly across measures of federal money and staffing to Hurricanes Harvey and Irma in Texas and Florida, compared with Hurricane Maria in Puerto Rico. The Trump Administration often argued that the delay of money and goods to Puerto Rico was based on geographic limitations.

Yet disaster appropriation funding to Puerto Rico took over four months after landfall to reach a comparable amount of money received by Florida and Texas in half the amount of time. The additional two months to distribute critical aid is likely not explained by geography but likely a
product of congressional negotiations seeking to
demonstrate that Puerto Rico had no sufficient assets
to deploy and required financial assistance.

Similarly, federal staffing rates in
Puerto Rico reached comparable levels in three times
the amount of time as Texas, and thirty times the
amount of time as Irma in Florida. The magnitude of
this variation seems difficult to explain by
geography.

The variation in the responses was not
commensurate with storm severity and need after
landfall in the case of Puerto Rico compared with
Texas and Florida. Hurricanes Harvey and Irma made
landfall as category 4 hurricanes, and Maria hit
Puerto Rico as a high-end category 4. Maria caused
more damage in Puerto Rico than Irma in Florida or
Harvey in Texas.

When considering the mortality rates as
a measure of need or severity from the disasters, the
mortality rates resulting from Hurricane Maria were
more than 30 times greater than that of Harvey or
Irma. If disaster responses vary in their
effectiveness across communities, health equity is
affected.
Representation in debates over disaster aid influence accessibility of requests for aid. Research conducted by my colleagues and I in 2021 analyzes federal congressional aid deliberations as measured in congressional floor debates over funding and disaster aid relief for the 2017 hurricanes for six months after landfall.

We find bipartisan participation in floor debates over aid to both Texas and Florida. However, mostly Democrat participation for Puerto Rico. Overall, deliberation and participation in debate was strongly related to whether or not a state or a district was at risk of natural disasters itself.

Nearly 30% of all states in the United States did not participate in any aid debate regarding supplemental appropriations for the 2017 hurricanes during the time period. Our results suggest that the deaths of thousands of Americans may not be enough to mobilize congressional participation in disaster aid deliberations. And that legislators may be more incentivized to participate in debates if they perceive disaster risks to their districts.

This may exacerbate disparities where some states have more advocacy for disaster aid in
considering the disaster relief fund and supplemental appropriations compared to other states. These disparities are exacerbated by existing political structures. Puerto Ricans are American citizens, but Puerto Rico lacks congressional representation.

Puerto Rico is one of five US territories. The territories are granted congressional delegates, one for each territory, and only in the House, with no voting power on the floor of Congress. Previous scholarship demonstrates that the delegate presence on the floor as opposed to voting membership obscures territorial interests in broader congressional deliberations.

Puerto Rico has been a US colony without independent political status or integrated representation and political power in the United States since 1898. As a result of these institutional constraints and colonial status, Puerto Rico faces accessibility barriers to federal aid debates.

According Puerto Rico greater voting power would likely reduce future barriers of requests for disaster aid. Thank you for your time.

CHAIR CANTU: Thank you, Dr. Willison.

At this point we'll accept questions from the
Commissioners. If I can offer an apology that I cut off the -- two of the Commissioners in the first -- offer to them an opportunity to be first in this panel.

Dr. Gilchrist.

COMMISSIONER GILCHRIST: Thank you, Madam Chair. Just a brief question to Dr. Willison. So thank you all for your testimony.

Are you familiar with the Oversight and Management Board of Puerto Rico?

DR. WILLISON: I am, though this is not my area of expertise, so I may defer to some other panelists on this.

COMMISSIONER GILCHRIST: Okay, well, I'll certainly yield to the other panelists as well. I was just curious to know if any of panelists felt like this particular board had any involvement as it relates to the assistance that was necessary to get to the residents of Puerto Rico, if in fact this board had any impact on that, positively or negatively.

DR. WILLISON: I can say, based on some of my previous research, that the Board and the constraints placed on Puerto Rico in terms of the aid that it was able to receive based on the rules of the
Board did affect aid considerations.

For example, and again, I'm sure that other panelists can speak to this as well, there were three supplemental appropriations in Congress in the first six months after landfall of the hurricanes. And while Harvey and Irma received supplemental appropriations without conditions, Puerto Rico did receive far more conditions. For example, in the form of loans as opposed to relief, as a result of these constraints through PROMESA and its territorial status.

Something else to consider is that the island had, prior to the hurricane, over $70 billion in debt, but does not receive the same bankruptcy protections as states. And so this was something else where Puerto Rico, which surprisingly enough had to demonstrate need for aid, even though it already faced a much more compromised infrastructure and economic standing prior to the hurricanes, compared to US states.

COMMISSIONER GILCHRIST: Thank you very much for your comments. Any other panelists weigh in on that? Thank you, Madam Chair.

CHAIR CANTU: Thank you. Commissioner
Kirsanow.

COMMISSIONER KIRSANOW: Thank you, Madam Chair, no questions.

CHAIR CANTU: Thank you, sir, appreciate you. Would anyone else? I see Commissioner Adams.

COMMISSIONER ADAMS: Thank you, Madam Chair. My question is for Dr. Willison. Are you aware of the number in your study that was allocated to Puerto Rico after Hurricane Maria, the amount of money, federal money?

DR. WILLISON: Yes, I do have those numbers, and this is also in my written testimony as well. And I can pull up specific numbers if you're --

COMMISSIONER ADAMS: Does the number 27 billion sound about right?

DR. WILLISON: I don't have that in front of me. Could you give me more specifics about --

COMMISSIONER ADAMS: Well, I'll represent my understanding is that it's $27 billion. Do you think that amount was inadequate?

DR. WILLISON: So this is something that I can't speak to myself in terms of the amount. But what I can address is the disparities in the amount.
of aid that was received between different jurisdictions and at different time points.

COMMISSIONER ADAMS: Well, if you're commenting on disparities, I'm curious as to what would have been the better amount.

DR. WILLISON: So I -- while I can't -- I'm not a risk assessor, but what I can say, and my written testimony demonstrates this, when we're talking about disparities, we would assume that since Puerto Rico had the same -- faced the same amount of storm damage as Harvey and Irma and faced incomparable mortality rates, that Puerto Rico would have, during the timeframe, received similar amounts of federal spending. And it did not.

During -- while it has received more aid over the years, if we look at the initial six months after landfall, congressional aid was delayed. And I can pull up these time points if you'd like. And it also did not receive as much aid as quickly.

COMMISSIONER ADAMS: Right, but you don't have an answer as to what would have been adequate.

DR. WILLISON: I -- what would have been adequate would be to have Puerto Rico receive the same amount of federal aid as Harvey and Irma at the
same time point.

COMMISSIONER ADAMS: Okay.

DR. WILLISON: And possibly more, again, because of the limited infrastructure in Puerto Rico and the severe mortality that we know came out of the hurricane.

COMMISSIONER ADAMS: Okay, I'm confused because Harvey, they received $2 billion versus 27. Are you basing your assessment that they didn't receive enough on per capita reasons?

DR. WILLISON: So again, I apologize, I don't have these numbers directly in front of me. But from my study and in my written testimony, when we were looking at the initial congressional allocation, so this is in 2017, and when we're looking at the FEMA aid that was distributed to families and individuals, Puerto Rico did not receive as much as Harvey and Irma at the same time points. And it was delayed by periods of months.

COMMISSIONER ADAMS: Last question for you. You talked about status as a territory. Under the constitution of course territories are not states. And there have been a number of status plebiscites in Puerto Rico over the years.
Do you think the amount of aid that would have come to -- after Harvey, that Puerto Rico would have been better off under independence, or under something like free association, or under the status quo?

DR. WILLISON: That is a very good question. What I can speak to is concerns with statehood and how this works in Congress. So we know that Congress plays a really big role in regards to disaster aid because of the disaster relief fund. Congress assesses annual appropriations to the disaster relief fund, as well makes quick supplemental appropriations when it's needed during major disaster events.

And this is where representation really comes into play, right. And this can be both as an accountability mechanism if disaster aid is not allocated as quickly as needed. Or it can also just be an initial request.

And so when we're looking at who -- at congressional members and when they spoke on behalf of need to different communities, Maria, discussions of aid to Maria and advocacy for aid for Maria was substantially lower than congressional advocating for
aid to Harvey and Irma in Florida.

And so granting representation and specifically voting status to Puerto Rico would like make a big difference in these debate considerations.

COMMISSIONER ADAMS: And I'm sorry, I'm not sure you understood my question, and that may be my fault. Had Puerto Rico chosen independence decades ago, would they have been better off or worse or the same after Harvey?

DR. WILLISON: That is a great question, and I don't think I can speak to that. I think that would be a tough assessment to make. But it's definitely a very important consideration, and an ongoing debate in Puerto Rico. And there are camps in both sides about whether independence or statehood is important for the island. And that is something I can't comment on, but perhaps some of the other panelists can.

CHAIR CANTU: Commissioner, you're asking a legal question of a medical doctor, so if you would rephrase it to where her expertise would be of use to you, I'd suggest that.

DR. WILLISON: And to clarify --

COMMISSIONER ADAMS: I don't have
anything else, thanks a lot.

DR. WILLISON: I'm not a medical doctor, I'm a social scientist. But yes, I do not have expertise in this area specifically, and I don't want to speak out of my area of expertise. So thank you so much.

CHAIR CANTU: I apologize. I promoted you. Commissioner Kladney has his hand up. And let me ask Commissioner Kirsanow, questions?

COMMISSIONER KIRSANOW: No, thank you.

CHAIR CANTU: Thank you. Appreciate you very much, again. Commissioner Kladney, I know you've got questions.

COMMISSIONER Kladney: I've always got questions, everybody gets tired of me asking questions. Chairman Gallegos, are you familiar with 1812(f) waivers?

MR. GALLEGOS: I am not.

COMMISSIONER Kladney: Okay. Is there a tracking system for individuals who are separated from their friends and family, disabled people are sent to places like hospitals? We talked about that on the earlier panel. Is there a tracking system that FEMA uses or local communities use?
MR. GALLEGOS: You're saying in Puerto Rico, or in general?

COMMISSIONER KLADNEY: Well, either in Puerto Rico or in Houston during the --

MR. GALLEGOS: Well, in Puerto Rico it's my understanding there is no tracking system. And that was part of the problem, because the island's government didn't even know where people with disabilities resided. There wasn't a single source of data where they could go to identify where these people were, where they were concentrated, or how to get them to a single, centralized, accessible shelter.

So the absence of accounting for people just on the island like attributed greatly to the disparities that they faced during the hurricane.

COMMISSIONER KLADNEY: And I was wondering if you could comment on Ms. Johnson's response to my question regarding Olmstead and its relationship and application to local entities in disaster relief.

MR. GALLEGOS: So I apologize, I didn't hear her response if that was in a prior session.

COMMISSIONER KLADNEY: Ms. Roy, could you
describe the issues surrounding access for disabled folks in Puerto Rico? I understand they only had one facility that was able to take disabled people. And then there were many more that had to be flown stateside for care because of inability to provide all sorts of different access and applications and services in Puerto Rico. Could you expand on that?

MS. ROY: Yes, hi, good afternoon. Many of the hospitals were incapacitated, so they could not even perform regular duties during this time. If they were not able to come to the metropolitan area, which logistically was very difficult, some areas like in Mirovis and Orocovis in the centralized area of Puerto Rico were blocked off by mudslides, rockslide formations, and the rivers over-flooding. And the same with Utuado.

So many people couldn't be reached. They couldn't even be identified by GPS coordinates, it was very difficult. They had points coming in by helicopter. When it was able to be an extraction, they were brought, again, like I said either to the metropolitan area or to Florida. The difficulties and the delays in that process were difficult.

And if I can speak to what the previous
The chairman had said, the municipalities had not previously identified those that would be in need in a time of a disaster, and that caused many delays, additional ramifications of death and additional illnesses.

But also the scrambling of NGOs here on the ground to try to coordinate with local first responders to try to get to those people without having logistical coordinations. So the delayed timing was difficult and yes, they did send them out of the Puerto Rico area.

COMMISSIONER Kladney: At the time the hurricane made landfall, had FEMA or anyone else, local entities or anything like that, pre-set supplies in anticipation of a disaster?

MS. Roy: There was some, and it was mostly concentrated in the metropolitan area. But there were some sent to be prepared. Unfortunately, those items were not sent to the smaller islands off of Puerto Rico and to rural areas that then were isolated.

COMMISSIONER Kladney: Were they adequate?

MS. Roy: No.
COMMISSIONER KLADNEY: Did they use open captioning in Puerto Rico during the hurricane, the open captioning on the TV where you can't shut it off and the scroll goes along the bottom?

MS. ROY: I don't remember, I'm sorry.

COMMISSIONER KLADNEY: Thank you.

MS. ROY: I'm so sorry, I apologize.

COMMISSIONER KLADNEY: I have nothing at this time further, Madam Chair.

CHAIR CANTU: Thank you. Commissioner Yaki.

COMMISSIONER YAKI: Thank you very much, Madam Chairman. First, I want to make a brief point. One agency we didn't hear from was the Small Business Administration, which has a substantial presence in terms of economic injury disaster loans to homeowners and to small businesses, and I think it'd be -- I think we need to make sure that we send these interrogatories to them as well.

Secondly, to the point that was being made earlier, we can debate what the status of Puerto Rico could be in the future or had it been changed somewhere, but these are American citizens.

And the fact is that when you look at the
relief aid to Hawaii in 1992 after Hurricane Iniki, you did not see these congressional hearings going on because the federal response to Hawaii, which is represented by two United States Senators and two members of Congress, was like that.

Secondly, on that score, the amount of American mobilization of the military to aid Haiti after their horrific quake compared to Puerto Rico was better. So we can get into that as well, but not at this time.

I do want to ask, though, a question of Ms. Romero-Craft, and that is -- this is a question I asked earlier to the folks at FEMA, and that is to what extent, you know, do they or did they or have they or will they, look at, for example, the population that is about to be hit by a hurricane and prepare accordingly in terms of language, in terms of cultural and linguistic competency?

And did you -- and is that something that you think that FEMA should be involved in for the future in terms of how they deal with disaster response? I mean, obviously there are going to be some that happen and they can't deal with it because it happened. But hurricanes you can track. So I
just wanted to ask you opinion, what your thoughts are on that.

MS. ROMERO-CRAFT: Yes, thank you so much, Commissioner, for that question. I think that, as Chair Cantu said earlier, this language access is not a new issue, it's an issue that we've been dealing with for years and years.

But I will say directly from our experiences of working with folks who had been displaced who were receiving TSA that were in Florida, in Georgia, and beyond, they had great difficulties when they would call to try to update their applications, to try to submit documents.

You can imagine that these people did not have access to computers, so they were trying to do those that did have smartphones would try to access the programming via their smartphones. And it was not user-friendly. A lot of times the way that the information was represented on their phone was not the way that it was being stored or captured via the programming through the FEMA program.

In addition, when folks would call that were Spanish language-dominant only, they were met oftentimes with folks who could not speak Spanish who
were not bilingual. They did not have access to a language line that could provide translation assistance.

And so our hope and our suggestion would be that yes, absolutely, in the face of what is promising to be an active hurricane season, that FEMA does prepare with adequate language assistance, with bilingual workers. And I understand that they train folks in advance and then they deploy them as necessary. Hopefully, that won't be the case this hurricane season.

But as someone who lives in a state that is -- that frequently faces these disasters but is much better equipped than Puerto Rico or the other islands that were impacted by Hurricane Maria, that they prepare accordingly and are ready with materials, as well as language assistance that is vitally necessary.

COMMISSIONER YAKI: Thank you very much. Madam Chair, just indulge me for a second. One thing I did note that I wanted to point out that goes into the area of understanding who it is you're about to serve is that I noted in the IG report that some of the food that was being sent was high carbohydrate,
high sugar, non-nutritious stuff to an island that
has a disproportionate number of folks who suffer
from hypertension, obesity, and diabetes.

I mean, these are the kinds of things
that FEMA needs to get a handle on. Because you don't
send a bunch of sugary snacks as a way to help people
who are living under abject conditions.

CHAIR CANTU: I appreciate that comment.
I also want to share with folks that the US Department
of Justice has the responsibility to coordinate among
the federal agencies a uniform and consistent way of
enforcing civil rights as to civil rights like Title
IX, it applies to civil rights like the Americans
with Disabilities Act.

And that has been the case, again, for a
long time. It's not a new set of circumstances that
we shouldn't be seeing disparities in how US citizens
are being treated under the Civil Rights Act.

The other thing I want to share with folk
is the effect on young people that their schools have
been turned into emergency shelters. And does that
disproportionately affect kids with disabilities and
kids with communication and lack of access to
computers at home in order to make up the deficits
because they can't use their schools, sometimes for months, sometimes for years.

And again, it's not a new problem. I had the honor of representing the Secretary of Education at a global conference, and the ministers of the education from the Gulf and the Caribbean talked about losing their school facilities for a very long time after each storm and not having the resources to help the kids make up the lost education opportunities.

Have any of you anything to respond to that specific problem of young people and how this impacts them after a disaster?

MS. ROY: Yes, if it's okay. The island of Vieques didn't have school for 11 months afterwards, none of their facilities. They have nine schools on that island and they were not equipped to handle this. They all had damages -- the Salvation Army, we put solar and water cisterns on them. They didn't have running water. This is something that's inexcusable.

Out of ours, and I'm looking this up to make sure that it's the most accurate, one of nine children suffered from depression during that time.
That's our staff from our case management.

That is a high level of concern, not just with having the education be, you know, something that is on the back burner, but the depression ratio in that equation, what that does to a child, thinking that they are not as important as a mainlander. Thinking that, well, we're United States citizen, but how come no one's coming to help us. These are things that were discussed by young children. That is something that is concerning.

And just in that ratio context of the school not being opened and them being properly addressed with their needs. That was something that parents also came to us individually and said how can I help to nurture my child.

CHAIR CANTU: Thank you.

MS. ROY: Thank you.

CHAIR CANTU: Commissioners, Commissioner Kladney.

COMMISSIONER Kladney: One more question, Madam Chair. I was wondering, I'll address this to Ms. Romero-Craft, what do you estimate or can you estimate the breakdown between homes that were destroyed as a direct result of the hurricane itself
or those lost due to an inadequate response to the hurricane and damage done to those homes?

MS. ROMERO-CRAFT: That is an excellent question, and I would say I could not give you an estimate on that.

But I will say that our work directly with a nonprofit organization, Ayuda Legal Huracan Maria, really highlighted the plight of Puerto Ricans as it relates to homeownership and the different property designations that you can have in Puerto Rico, where, as the other panelists have shared, people could have an ancestral home, something has been passed down, but if they didn't have the proper documentation to show FEMA, then they were denied funding to get the housing repaired.

So I think that that is a key area where we would recommend that FEMA do follow up and that work closely with the government of Puerto Rico to define all of those different property designations. And then accordingly provide funding to get those houses repaired.

I cannot tell you the number of folks who either abandoned homes or who had to flee because they knew that they were not going to get -- that
they were denied FEMA funding and the home that they
had lived in for generations was not going to get
replaced or fixed. And had to then leave to the
mainland.

I can tell you specifically about what
happened in Florida and Georgia. Florida
specifically, the lack of affordable housing in the
state is at a crisis level.

So when you're having folks from Puerto
Rico come who have been designated for Section 8
housing in Puerto Rico on the island, and then come
to Florida and be put on waiting lists that were years
and years long, you find yourself with a housing
crisis that really is untenable. And I think you can
trace a lot of that to homelessness, children being
displaced even in schools here in the state of
Florida.

And so this has sort of a negative
cascading effect that needs to be addressed. And I
believe still can be addressed, by working closely
with the government of Puerto Rico and making sure
that FEMA addresses the differences in Puerto Rican
property law that impact how people may apply for and
receive funding to get the housing situation
addressed.

COMMISSIONER KLADNEY: So what you're saying is the houses that people abandoned never were fixed, is that correct?

MS. ROMERO-CRAFT: That's correct. Or if they are fixed, as I've mentioned, they have blue tarps -- they're fixed inadequately. The huge fear is that there's another natural disaster that happens in Puerto Rico, another hurricane or certainly another -- an earthquake that may, you know. Unfortunately, we've seen hurricanes and earthquakes in Puerto Rico very recently.

And I think, you know, you -- the issue that they have with the electrical grid in Puerto Rico is constant and current. It is happening now. People are experiencing blackouts on a weekly basis even. So there are issues that need to be addressed urgently but that we aren't talking about.

COMMISSIONER KLADNEY: I have one last question. You said in your initial response that you can't tell me the number of homes that were abandoned or destroyed subsequent to the earthquake for lack of response. When you say that do you mean that there's a lot?
I mean, if you can't tell me the amount, okay, that's fine. But I'm trying to get a picture of a little, moderate, a lot. Do you know what I'm saying?

MS. ROMERO-CRAFT: Absolutely, and you know, I can certainly follow up with that. We have partners on the ground that I would be happy to provide additional information to the Commission so that they can review this.

But we have folks that were working directly with impacted families. That was not work that we were doing because it needs to be specific to the island, but we can certainly follow up with that.

COMMISSIONER KLADNEY: If you can find out that --

CHAIR CANTU: Commissioner, Commissioner, I have Commissioner Kirsanow waving his hand very patiently.

COMMISSIONER KLADNEY: I would just like to tell that witness that she should take that information and provide it to the same place she sent her statement. Thank you, Madam Chair.

CHAIR CANTU: Thank you. Commissioner Kirsanow.
COMMISSIONER KIRSANOW: Yes, thank you, Madam Chair, and thanks to all the panelists. This has been very informative.

Do any of you have specific evidence that the disparities in the provision of services or funding by FEMA was the result of any racial animus or invidious discrimination? Anybody can respond. Thank you.

MS. ROMERO-CRAFT: I'm sorry -- Commissioner, I can say that we have received reports from individuals that did feel that the lack of response on an individual basis from certain officials that were -- they were working with were as a result. We filed our litigation as against FEMA because we believe the proof is in the data.

We still have some outstanding Freedom of Information Act requests to FEMA. And so, you know, our point is you can also ignore what the President said, what President Trump said, in the face of this natural disaster and the treatment of Puerto Ricans. And the treatment of Puerto Ricans that we are discussing today that we are talking about really shows that there was certainly a difference of treatment of Puerto Ricans as opposed to other states
that were found in similar circumstances.

So we do believe that there was some racial animus as it relates to how Puerto Rico was treated.

COMMISSIONER KIRSANOW: What was that evidence that those individuals provided that caused them to feel that there was racial discrimination or animus?

MS. ROMERO-CRAFT: Well, in terms of folks that were calling in, we had some individuals who reported to us that they were told that they needed to speak English in light of not having bilingual folks able to assist them over the phone.

You know, in terms of folks who had problems receiving not only TSA but other types of assistance to fix their homes, we had similar turn-away in terms of folks being told, you know, you don't have the necessary paperwork, and not understanding the cultural linguistic differences that provide, you know, that create obstacles for folks to get the aid that they need.

And you can speak to any Puerto Rican about what they saw, what they viewed in terms of what President Trump said, his action, and his
behavior. And it starts from that point. And so you know, we would submit that that is certainly something that is tied to the response that was -- was had in Puerto Rico.

As well as the reimbursement program that FEMA did install as it relates to major projects in Puerto Rico. Knowing the fact that the US Government understands the financial difficulties of Puerto Rico is facing, to have a reimbursement program is laughable, quite honestly.

Because if you have a commonwealth territory that does not have funding to initiate these programs to ask for reimbursement, then what are you anticipating in terms of major public infrastructure programs?

So I think that those all point to, for our -- from our perspective sort of the abject failure of the US Government to respond to the needs of Puerto Rico and Puerto Ricans.

COMMISSIONER KIRSANOW: Thank you.

CHAIR CANTU: We're getting close on time, so just -- I will put a finger and say I will follow up myself and ask for further information from this panel on this point. Because I'm very interested
in what you all have eye witnessed and what you all
have heard from eyewitnesses with regards from
departures from policy, departures from practice,
onequal treatment.

I want to follow up. That was a very
interesting question and I do want to do the rest in
writing just to save the rest of us time in today's
panel. But I will let -- I will let you answer,
Charley Willison.

DR. WILLISON: Thank you. This is just
a broader point about disparities in disaster
responses overall.

I just want to emphasize that we do know,
there's a lot of scholarship on this point, that
communities of color and low income communities and
low income communities of color do -- are much more
at risk of adverse health and economic consequences
from natural disasters and from other public health
emergencies because of centuries of political and
socioeconomic oppression that have led to wealth
disparities, right.

So these communities are already more at
risk, creating racial disparities. And then we also
do know too that when looking at disaster
allocations, that low income communities and communities of color do also receive less allocation of sufficient aid or of aid in general. And there's a lot of scholarship on this as well that I'm happy to share with the community.

And so while we -- in thinking about implicit or explicit bias, even in the absence of that evidence, there is a lot of evidence of direct racial disparities in aid allocation.

CLOSING REMARKS, CHAIR NORMA V. CANTU

CHAIR CANTU: Commissioners, we're going to end on time. Does that sound right? Okay, so this brings us to the end of the briefing portion of our meeting. I'd like to take this opportunity to thank all our panelists. This has been tremendously informative.

And on behalf of the entire Commission, I wish to thank all of the panelists for sharing their time and their expertise with us.

I also way to personally thank the Commission staff for their efforts they made in the last few months to pull this virtual briefing together. I know personally it's a lot harder to do it virtually than it is to do it in person face to
face, so thank you. And I want to thank the staff in advance for their effort to distill this information presented in the briefing and to incorporate it into the report. So I'm really grateful for all this hard work.

The record for this briefing will remain open for the next 30 days. If panelists or members of the public would like to submit materials, they can mail to the US Commission on Civil Rights, Office of General Counsel, 1331 Pennsylvania Avenue, NW, Suite 1150, Washington, DC, 20425.

There is an email address that I'd like to say it slowly, and that is Femabriefing@usccr.gov. And those materials need to be sent by email or posted no later than July 26, 2021. So I will repeat the email one more time, femabriefing@usccr.gov.

Thank you all, thank you, Commissioners. Thank you, staff. I'll do a hook 'em horns because I'm a Texan.

COMMISSIONER YAKI: No, no, that's not what I am getting at -- Madam Chair, point of order.

CHAIR CANTU: Yes, please.

COMMISSIONER YAKI: I just wanted to ask leave of the Commission to allow Commissioner
Adegbile to submit his opening statement probably at some point during the time, but to give a timeline, given the circumstances right now. I know that he very much wanted to be a part of this as a co-sponsor of this with me, and I wanted to make sure that he had leave to give -- to provide a written statement for the record.

CHAIR CANTU: With no objection, that is an excellent -- excellent idea. Any other -- any other processes? Going once, going twice?

(Whereupon, the above-entitled matter went off the record at 2:43 p.m.)