

U.S. COMMISSION ON CIVIL RIGHTS

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IMPLICATIONS OF DISASTER RELIEF:
HURRICANE MARÍA

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FRIDAY, DECEMBER 10, 2021

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The Commission convened via
teleconference at 9:00 a.m. ADT, Norma Cantú, Chair,
presiding.

P-R-O-C-E-E-D-I-N-G-S

PANEL 1

(9:08 a.m.)

CHAIRWOMAN CANTÚ: Welcome and good morning to the Commissioners, Commission staff, our panelists, and the public. We are live in San Juan, Puerto Rico at the Interamerican University of Puerto Rico Law School, and watching and listening virtually. This briefing will come to order. This is a briefing of the U.S. Commission on Civil Rights on Civil Rights Implications of Disaster Relief: Hurricane María in Puerto Rico. It is 9:08 AM Atlantic Standard Time on December 10, 2021.

Commissioners present at this briefing are present virtually and in person. And they are Commissioner Adams, Commissioner Adegbile, Commissioner Gilchrist, Commissioner Heriot, Commissioner Kirsanow, Commissioner Kladney, and Commissioner Yaki. A quorum of the U.S. Commission on Civil Rights is present. I note for the record that the staff director and the court reporter are present.

I wish to welcome everyone to our briefing on Civil Rights Implications of Disaster

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1 Relief: Hurricane María in Puerto Rico. The field
2 briefing has three goals. First, to review the
3 Federal Emergency Management Agency, FEMA, and their
4 role in disaster preparedness and response. Secondly,
5 evaluate efforts by FEMA to comply with the Robert T.
6 Stafford Disaster Relief and Emergency Act along with
7 other federal civil rights laws and policies. And
8 three, compare the response of FEMA to significant
9 hurricane systems, including but not limited to
10 Hurricanes Harvey and María.

11 Today's briefing will focus on the civil
12 rights implications of the federal response and
13 impact of Hurricane María in Puerto Rico by receiving
14 testimony from subject matter experts such as
15 government officials, academics, advocates, and
16 during today's briefing, in person public comments
17 from those people who were impacted by the
18 hurricanes.

19 Before we begin our briefing, I'd like to
20 address a few housekeeping matters. I share deep
21 thanks to Commission staff who researched and brought
22 today's briefing into being, including the expert
23 team we have who worked on the logistics for which
24 organizing a field briefing is compounded by the

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1 global pandemic environment, and it presents a whole
2 host of additional challenges.

3 I'd also like to thank our partners,
4 Puerto Rico, the Interamerican University of Puerto
5 Rico Law School; its Associate Dean of Academic
6 Affairs, César Alvarado; and professor and
7 commissioner of the Civil Rights Commission in Puerto
8 Rico, Andrés Córdova; the Civil Rights Commission in
9 Puerto Rico, its executive director, Edward Padilla
10 Ruiz, and their staff. Their partnership made the
11 commission's trip and today's briefing possible.

12 A special thank you to the community
13 leaders in El Caño and Loíza for meeting with us
14 yesterday and sharing their collective ongoing
15 efforts to rebuild their communities after Hurricane
16 María. And finally, I thank Staff Director of the
17 U.S. Commission on Civil Rights, Manuel Morales, for
18 his leadership. And I thank my colleagues on the
19 Commission for their leadership.

20 A note on the resources available today.
21 For anyone in need of language translation services,
22 please see our staff and volunteers at the
23 registration desk for translation equipment. If
24 during the briefing anyone requires emotional

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1 support, please see one of our volunteers who will
2 direct you to the therapists we have on site. This is
3 very serious, and some people may be triggered, and
4 so we will be there for you. If you wish to sign up
5 for the public comments, please see one of our
6 volunteers who will direct you to the sign- up room
7 for further information.

8 And finally, the COVID cleaning protocol.
9 Due to the ongoing pandemic, the university is taking
10 extra precautions for this event. The briefing will
11 break for one hour at lunch because the time is
12 limited to complete this cleaning. Please be sure to
13 leave as soon as possible when we announce the break
14 for lunch, and please be sure to take all your
15 belongings with you as we cannot guarantee they'll
16 still be there, or maybe they will be so sanitized
17 you won't recognize them.

18 During the course of the testimony and
19 the question-and-answer period, I caution all
20 speakers, including our commissioners, to refrain
21 from speaking over each other for the ease of
22 transcription. Additionally, I will need to queue our
23 staff behind the scenes for the appropriate video and
24 audio support. So please wait to speak until I have

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1 called upon you.

2 Panelists, you each have seven minutes to
3 speak. Please note that to ensure that we have
4 sufficient time for our discussion this morning, I
5 will enforce the seven-minute rule. Please monitor
6 your time so you do not risk my cutting you off mid-
7 sentence, and I will do it. I will strictly enforce
8 the time allotment given to each panelist to present
9 his or her statement. And if we didn't receive your
10 testimony, that's all right, because we could
11 supplement the record. But when you sent your
12 testimony, that means that we have it and we've read
13 it. So you can summarize it, and we will appreciate
14 that so that you can use your seven minutes best.
15 Focus your remarks on the topic, and we will all be
16 happy and smiling when this is over.

17 After the panel presentation,
18 commissioners will have the opportunity to ask
19 questions within the allotted period of time. It
20 varies from panel, the larger panels have an hour,
21 the smaller panels have 45 minutes, and I will
22 recognize the commissioners who wish to speak. I ask
23 my fellow commissioners to do our part and keep our
24 questions and comments concise, and to be cognizant

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1 of the interests of having each commissioner be
2 allowed to ask questions. So please be brief so we
3 can move quickly and efficiently.

4 Today's briefing features 13
5 distinguished speakers who will provide us with a
6 diverse array of viewpoints. Panel 1 would consist of
7 speakers who will discuss the role and
8 responsibilities in the execution of federal aid and
9 response to natural disasters. Panel 2 will consist
10 of advocacy nonprofit relief groups and academics who
11 will discuss the impact of the federal government
12 response on these communities.

13 So with those bits of housekeeping out of
14 the way, we're going to proceed and I turn now to
15 Commissioner Adegbile for opening remarks.

16 COMMISSIONER ADEGBILE: Good morning.
17 It's good to be with you. I'd like to thank all of
18 you for coming today and the U.S. Commission on Civil
19 Rights is very pleased to be here with you and to be
20 here with you in person. Today's briefing continues
21 what is a 60-year tradition of having this body, the
22 United States Civil Rights Commission, come into the
23 field to be proximate to the civil rights issues that
24 face the people of the United States. We're very

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1 pleased to be here, and this is the third in a series
2 of three briefings that we have had on hurricane
3 response topics and FEMA's role.

4 With this in-person briefing we're also
5 going to reintroduce a public comment session. In our
6 prior briefings -- two that I will describe in a
7 moment -- we did them virtually because of the
8 pandemic. And in that virtual format, the public
9 comment was difficult to accomplish. Today, due to
10 the courtesy of our hosts here at Interamerican,
11 we're going to be able to hear from public members
12 that want to share their comments as well.

13 As the Chair noted, during our trip we've
14 already had the opportunity to travel a bit around
15 the island and to see and hear, importantly, from
16 members of the community. Yesterday, we spent some
17 powerful hours with the people at El Caño and then at
18 Loíza, as you've heard. Those meetings added layers
19 to the continuing difficulties that people face on
20 the other side of the hurricane and animated for us
21 in a very powerful way what the continuing needs are
22 to recover. Hearing from those members was an
23 integral part of this trip.

24 The purpose of our study, as the Chair

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1 has noted, is to gather this information about
2 hurricane response to put it in a report that will
3 ultimately be available to both The President and
4 Congress so that we can improve. In particular, we're
5 looking at the responses to Hurricane Harvey in Texas
6 and Hurricane Maria here, that we understand there
7 have been several hurricanes that have impacted these
8 parts of the country.

9 During the June virtual briefing, we
10 heard from, among others, the acting associate
11 administrator of Response and Recovery at FEMA, the
12 Region 6 administrator from FEMA, the deputy
13 inspector general from DHS OIG, the deputy inspector
14 general from HUD OIG, the director of Homeland
15 Security and Justice, and the director of the Office
16 of Equal Rights at FEMA.

17 In October of this year, we held a
18 virtual briefing where the focus was on the people of
19 Houston, Texas. And there we heard from state and
20 local governments as well as impacted members of the
21 community and local advocates. Today, of course, we
22 are with you here in San Juan, Puerto Rico to hear
23 from state and local government officials, non-
24 governmental organizations, and community

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1 organizations, as well as the impacted community.

2 We very much look forward to your
3 testimony, and it's our hope that our work together
4 will help improve the United States' ability to
5 respond to these disasters, which unfortunately we
6 will continue to face. Thank you very much.

7 CHAIRWOMAN CANTÚ: Thank you,
8 Commissioner Adegbile. I turn now to Commissioner
9 Yaki for opening remarks.

10 COMMISSIONER YAKI: Thank you very much,
11 Madam Chair.

12 This is an intensely personal hearing for
13 me for a number of reasons. First, you are our first
14 in-person briefing since COVID, and we are honored
15 that you are our first in-person briefing because we
16 could not -- I could not fathom having this
17 investigation without coming here, meeting you, going
18 out into the communities, going to Caño Martín Peña,
19 going to Loíza. These are the things that make to me
20 the Civil Rights Commission come alive.

21 But it's intensely personal to me because
22 I have lived through a natural disaster. I went
23 through an earthquake in San Francisco some years
24 back. I've lived overseas, where the Pacific

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1 equivalent of typhoons came and just ravaged the
2 islands in which I lived. And when I saw what was
3 happening to Puerto Rico from María, and I was
4 watching what wasn't happening it did not strike me
5 as a good thing. It did not strike me as a just thing.
6 It did not strike me that we were doing what we should
7 do for citizens of our country.

8 And so that's why we are here today,
9 because we want to know what happened, how it
10 happened. And in particular, as we have looked at the
11 comparisons between Harvey and María, and frankly it
12 wasn't that hard of a comparison to do in many
13 respects, except for one, and one that we keep on
14 hearing time and time again, whether it's from a
15 virtual hearing in Houston, whether it's in El Caño,
16 whether it's in Loíza, whether it's going to be from
17 here today, and that is FEMA's ability or lack thereof
18 to deal with Spanish language people and culture.

19 But there's more to that when it comes to
20 Puerto Rico. I mean that's one of the great things
21 about going out and talking to people out in the
22 communities, understanding the bigger challenges that
23 are here, where we know that cookie cutter responses
24 do not and cannot and never have really worked, they

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1 must be tailored to the individual communities in
2 which we work, in which you live. But having a federal
3 government that doesn't understand that, that doesn't
4 address that, and in some ways, in so doing,
5 discriminates against you for doing that, that's what
6 we want to hear from you today. So I want to thank
7 all of you for coming forward and talking to us today.
8 I want to thank the staff for their great work here
9 today. I really want to thank Ever and Ariadna, and
10 the others who all pulled together people whose
11 stories we heard firsthand yesterday and we'll hear
12 again today from you.

13 So thank you all very much. We are
14 honored to be here. I am honored to be here in our
15 first in-person briefing in almost two years. So
16 thank you very much.

17 CHAIRWOMAN CANTÚ: Thank you,
18 Commissioner Yaki. Let me now introduce the
19 panelists, and it will be a brief introduction so I
20 can yield the time back to you all. You have many
21 fascinating aspects of your careers, and I'm going to
22 abbreviate it. So I apologize in advance.

23 Our first speaker this morning is Omar
24 Marrero, Secretary of State, Puerto Rico. Our second

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1 speaker is the Honorable Carmen Yulín Cruz Soto,
2 former mayor of San Juan and Weissman Center Fellow
3 in Leadership, Mount Holyoke College. Our third
4 speaker is Charlotte Gossett Navarro, chief director
5 Puerto Rico Operations Hispanic Federation. Our
6 fourth speaker is Sergio Marxuach, policy director
7 and general counsel Centro Para la Nueva Economía,
8 Center for the New Economy.

9 Our fifth speaker is Cristina Miranda,
10 executive director Liga de Ciudades Puerto Rico, The
11 League of Cities Puerto Rico. Our sixth speaker is
12 Ever Padilla Ruiz, executive director Comisión de
13 Derechos Civiles, Commission on Civil Rights. Our
14 seventh and final speaker for our panel 1, is Diane
15 Yentel, president CEO the National Low Income Housing
16 Coalition.

17 Secretary Marrero, welcome. Please
18 proceed.

19 MR. MARRERO: Good morning. Thank you very
20 much, Chairwoman Cantú and members of the U.S.
21 Commission on Civil Rights. For me it's a pleasure
22 and honor to be in front of you to talk about the
23 issue that we have in front of us. For me it's also
24 an honor to be the first -- to be part of the first

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1 in-person meetings since COVID-19. Thank you for the
2 opportunity to appear before you to discuss the
3 Federal Emergency Management Agency, FEMA's role in
4 disaster preparedness and response to Hurricane María
5 in Puerto Rico.

6 Over the last four years, the government
7 and FEMA have engaged in extensive collaboration to
8 address one of the most complicated and largest
9 disaster relief in U.S. history. Since day one, the
10 people of Puerto Rico and the government of Puerto
11 Rico has essentially asked to be treated as any other
12 U.S. jurisdiction within the U.S. flag.

13 As FEMA has always said, every disaster
14 has to be federally supported, state managed, and
15 locally executed. So, if we do that in every single
16 corner of the U.S. nation, we will not necessarily
17 have to tailor disaster aid. It's just to support the
18 government of the people to execute and be able to
19 address disaster response.

20 I think that one of the most complex
21 aspects of the disaster response and disaster
22 recovery in Puerto Rico is the fact that before
23 Hurricanes Irma and María, Puerto Rico was already
24 facing a manmade disaster, which was the fiscal and

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1 economic crisis that started in 2006. And this is
2 very important to have in mind because it was in 2016
3 that Congress approved the law known as PROMESA,
4 which is essentially a law that allowed Puerto Rico
5 or provided the government of Puerto Rico to have a
6 very similar -- or two ways to restructure our debt,
7 our 70 billion dollar debt.

8 But also, not only provide that
9 restructuring tools, one, as a bankruptcy-like
10 process, and the second one in a process very similar
11 to how sovereign nations restructure their debt, but
12 in addition to that restructuring process,
13 restructuring tool, they also imposed an Oversight
14 Board, a Control Board. And this is very important
15 because since it was imposed, the Control Board,
16 which is not elected by the people of Puerto Rico, we
17 have not been in control of our finances.

18 And why is this important? Because when
19 Irma and María both hit, Puerto Rico did not have
20 enough cash in hand to be able to respond to that
21 disaster. In addition to that, we didn't have a rainy-
22 day fund like Texas to be able to respond to Harvey,
23 or we didn't have access to the market as Louisiana
24 and other jurisdictions, that they were able to

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1 borrow money and respond as they waited for the
2 reimbursement process of FEMA. We didn't have those
3 tools.

4 And this is very important because
5 unfortunately the federal administration did not take
6 that into consideration when they were responding to
7 the disaster. The government of Puerto Rico had to
8 depend on the federal response essentially and also
9 on the Oversight Board and the Department of Treasury
10 for the access of funds.

11 To give you an example, during that time
12 we were required -- we were imposed many requirements
13 to access the federal funds. For example, we were
14 required to establish a Centralized Oversight
15 Authority, which is COR3. Not because we wanted
16 additional bureaucracy, but because it was required
17 by the government of the federal government to have
18 that entity. We established that entity. We were also
19 required to have third party experts to help us manage
20 those funds because we didn't have the internal
21 capacity. We did that as well. We were also required
22 to impose internal controls, transparency measures,
23 and we did all that.

24 But it was not until April 2019 that for

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1 the first time after María the government of Puerto
2 Rico had the opportunity to take control of the
3 reimbursement process. I don't know how many of you
4 are familiar with the reimbursement process of FEMA,
5 but every single state and every single territory in
6 the U.S. nation takes control of the reimbursement
7 process and they certify to the FEMA agency that they
8 comply and obviously they have to be responsible for
9 the records, the compliance, the internal controls,
10 and all of that.

11 Unfortunately, in November 2017, the
12 federal administration and FEMA imposed what was
13 called the 270 manual drawdown process. And this is
14 all very important because every single time, as we
15 were approaching or we were trying to comply with
16 these more stringent requirements, the goal post was
17 essentially moved. And this happened. That's why when
18 you look at the process of obligations and
19 disbursements, it was really stringent for the
20 government of Puerto Rico and its recipients to
21 access the funds in a quick manner.

22 Not only that, but as I said, we were
23 every single time trying to reach or trying to come
24 up with solutions to expedite the recovery process,

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1 and it was not until April 2019 that we were able to
2 control the reimbursement process for the first time.
3 Not only that, with the change in administration, we
4 saw how many restrictions that were imposed upon the
5 government of Puerto Rico, they were released. And
6 with that, the pace of federal funds have accelerated
7 in a very visible way, not only in obligations but
8 also in disbursement. And this is not only on the
9 FEMA side, but also on the CDBG and HUD side.

10 So again, we all know about the
11 destruction that was caused by Hurricanes Irma and
12 María. It was the worst-case scenario. The government
13 itself was a casualty to this disaster that obviously
14 was the most complex and the most destructive in 100
15 years for the people of Puerto Rico. And even though
16 we were just demanding to be treated as any other
17 U.S. citizen in the nation, that was not the case.

18 Since day one, after the hurricane, we
19 were required, and we were imposed many stringent
20 requirements that any other U.S. jurisdiction did not
21 face. However, that did not stop the government of
22 Puerto Rico, its municipalities, and many government
23 agencies to try to comply as fast as we could in order
24 to access the funds. But unfortunately, it was until

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1 the end of 2020 that we were seeing the first
2 permanent work to being obligated by FEMA.

3 And also, we have to bear in mind, in the
4 last minutes that I have, that FEMA also used Puerto
5 Rico as a laboratory for new policies. We were
6 required to use Section 428, which was a section added
7 to the Stafford Act with approval of the Sandy
8 Recovery Improvement Act of 2013. It was added in
9 order to provide a more flexible way to address a
10 disaster, but that was not the case in Puerto Rico.
11 FEMA was essentially designing the plane while we
12 were flying it.

13 And with that, essentially many American
14 citizens of Puerto Rico were not -- did not have the
15 ability to have their needs appropriately addressed
16 in a swift manner, even though the government of
17 Puerto Rico, its municipalities, and many agencies
18 did whatever they could in order to comply with the
19 requirements and more stringent conditions imposed by
20 the federal administration.

21 Again, I yield my time, and I'm willing
22 and able to answer any question that this Honorable
23 Commission may have. Thank you.

24 CHAIRWOMAN CANTÚ: Thank you, Secretary

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1 Marrero. You set a wonderful example of being heavy
2 in content and brief in time. So gracias.

3 MR. MARRERO: Thank you. Probably the
4 mayor will improve that.

5 CHAIRWOMAN CANTÚ: Thank you. We will now
6 hear from the Honorable Cruz Soto. Please proceed.

7 MS. CRUZ: Distinguished members of the
8 Commission and fellow panelists, thank you for the
9 opportunity to shine a light on the negligent acts
10 perpetrated by FEMA under the Trump Administration in
11 the aftermath of Hurricanes Irma and María.

12 Approximately 3,000 Puerto Ricans died
13 after a botched relief effort denied us lifesaving
14 support. These deaths could have been prevented if
15 our suffering had been met with urgency and
16 efficiency. Earlier this year, two reports from the
17 Inspector General's Office concluded what we knew,
18 FEMA was unprepared and mismanaged relief efforts.
19 One of the reports stated it took an average of 69
20 days, more than two months, for aid to arrive. On its
21 executive summary, it said, and I quote, "FEMA cannot
22 ensure it provided commodities to Puerto Rico
23 disaster victims as needed to sustain life and
24 alleviate suffering."

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1 Under the veil of political neutrality,
2 FEMA's highest managerial levels turned a blind eye
3 to the unequal treatment that cost so many lives. Two
4 data points paint a clear picture of neglect. Nine
5 days after Hurricane Harvey, there were 30,000 FEMA
6 personnel in Texas. In Puerto Rico, nine days after
7 María, 10,000. It took FEMA 10 days to approve
8 disaster work after Harvey, it took them 43 days to
9 approve the same work in Puerto Rico.

10 FEMA was unable to adapt its standard
11 operating procedures to get their relief operations
12 off the ground on a timely fashion. They kept asking
13 us for reports to be filled out on the Internet when
14 they knew we had no electrical power and thus no
15 Internet. The results show no consistency in the
16 instructions provided to us. One day we were told to
17 use one form or one system, and a few days later we
18 were told to use another form and input the same data
19 on another system. A new FEMA employee arrived, and
20 we had to start again, for there was no handoff, no
21 knowledge of what had happened before, only new
22 instructions.

23 Language was another barrier. Not only
24 was the information initially in English,

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1 disregarding our first language is Spanish, but
2 FEMA's personnel were incapable of servicing the deaf
3 community and did not take into consideration that
4 people have different levels of Internet proficiency
5 and access.

6 And when relief finally arrived, it added
7 insult to injury. I gave you a picture of the food
8 distributed by FEMA about three weeks after the
9 crisis. It's a beef jerky, chocolate pudding, a Baby
10 Ruth, Pringles, and apple sauce. Shameful. Not only
11 was this food not suitable, but FEMA was incapable of
12 setting up or help us set up a robust consistent and
13 adequate supply chain of aid.

14 In the municipality of San Juan at the
15 time, we were prepared to make breakfast, lunch, and
16 dinner for employees for four months. In the end, we
17 provided meals for them, food for 26 community soup
18 kitchens, food, water and emergency managed health
19 for approximately 65 elderly homes and elderly care
20 type organizations.

21 New York City Emergency Management, which
22 arrived just a week after María, established for us
23 a robust distribution system built on the strengths
24 of our relationships with religious communities and

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1 recreational leaders. Thus, we were able to provide
2 food and water consistently to 34 San Juan
3 communities. With the help of Goya, Hispanic
4 Federation, Chobani, Suiza Dairy, Tres Monjitas,
5 Chocolate Cortés, and food and water purchased at the
6 municipal level, we were able to meet local
7 nutritional needs.

8 And I showed you the difference between
9 the photo that we provided and the photo of the food
10 that FEMA said that was food and was provided. We
11 also focused our aid distribution on those living
12 with HIV/AIDS, immigrants, elderly, homeless, those
13 with children or adults with physical and emotional
14 challenges. Where FEMA was incapable, we stepped in.
15 We figured it out. FEMA should have had a road map,
16 a blueprint for how to do this, and precious time
17 would have been saved.

18 Our first aid came from Chicago, from the
19 diaspora. I remember thinking how they could do it
20 when FEMA couldn't do it. The violation of our civil
21 rights had an immediate and lasting effect. Today
22 you'll hear testimony from organizations who have
23 dealt with FEMA's fallout and still are dealing with
24 it. In my written testimony I've included

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1 recommendations on what can be done so FEMA is always
2 prepared to respond. No doubt, treatment was
3 different and devastating.

4 Think about this. Hurricane Harvey
5 impacted 13 million people and 88 people died. Maria
6 affected 3.5 million, and 3,000 people died. One life
7 is not more important than another, but negligence no
8 doubt took a toll. Why the inequity? For those then
9 in power, we're less important because we are
10 colonial subjects, black and brown people, 60 percent
11 below the poverty line.

12 Today, December 10th, the world
13 commemorates Human Rights Day. We have the duality of
14 being United States citizens and Puerto Rican
15 nationals. Two nations where one colonized another.
16 And in 1917 gave us American citizenship by birth.
17 Yes, our civil rights were violated after Maria, but
18 our human rights as a nation, invaded, colonized, and
19 exploited, have been long violated.

20 They were violated while the island of
21 Vieques was used by the U.S. Navy as target practice.
22 Violated while the effects of contraceptives 20 times
23 more potent than those finally approved were tried in
24 Puerto Rican women. Violated today when a Fiscal

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1 Control Board reduces the hopes of our current and
2 future generations by decreasing pensions and
3 increasing the cost of education at the university
4 level.

5 While the violation of our human rights
6 is addressed in other forms, we can move forward and
7 together to ensure what happened in Puerto Rico in
8 2017 does not ever happen again. Never must lives be
9 lost because FEMA or any other agency is incapable of
10 putting action plans into place treating people with
11 urgency, dignity, and respect. Never again must the
12 price of incompetence be the lives of so many.

13 I am hopeful and confident we can move
14 forward in this common endeavor. Thank you very much.

15 CHAIRWOMAN CANTÚ: Thank you, Honorable
16 Cruz Soto. And I am at a loss for words. Already I
17 have heard two of the best speakers I have in my life,
18 so thank you very much.

19 Now we will turn to hear from Ms.
20 Navarro. So please proceed.

21 MS. NAVARRO: Thank you for the
22 opportunity to speak today. I'm particularly humbled
23 at the other panelists, both from the panel I'm on
24 now and the speakers who I know are coming on the

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1 second panel, many of whom are cited in the written
2 version of our comments that we'll be submitting. For
3 the purposes of time, I'm just going to be reading
4 some excerpts from that, and I'll try to skip over
5 things that have already been mentioned by the
6 previous two panelists.

7 It has been more than four years since
8 Hurricane María impacted Puerto Rico. It was an
9 unprecedented emergency that left unimaginable death
10 and destruction in its wake from which we have still
11 not recovered today. The more than 3,000 lives taken
12 too soon, the forced displacement of hundreds of
13 thousands of residents, the ongoing plague of blue
14 tarps on rooftops, the months of schooling the
15 children lost, the long anxious wait for promise help
16 to arrive, and the darkness, the never-ending
17 darkness; there is no doubt that both U.S. federal
18 and Puerto Rico's central governments failed to
19 manage the crisis and protect the people.

20 The federal government response was
21 inefficient, ineffective, and unequitable. This
22 especially when compared to the significant rapid
23 assistance offered by the Trump Administration to
24 Texas after Hurricane Harvey, and Florida after

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1 Hurricane Irma, which hit those states just weeks
2 before Hurricane María. Their Puerto Rico response
3 was hampered from the outset by a lack of familiarity
4 and sensitivity to cultural norms, structures of
5 local government and institutions, the unique legal
6 framework here, language barriers, and geography.

7 This lack of familiarity and sensitivity
8 coupled with their opaque bureaucratic and rigid
9 processes, their centralization, discriminatory
10 political interference by the previous
11 administration, and unique administrative barriers
12 imposed on Puerto Rico undermined recovery efforts by
13 FEMA and other federal agencies. Hurricane María was
14 neither the first nor last disaster in Puerto Rico.

15 Just since 2017, Puerto Rico has
16 experienced two hurricanes, Irma and María,
17 devastating earthquakes, tropical storms, more
18 flooding, suffocating austerity, and the ongoing
19 global pandemic among other challenges. These
20 disasters have laid bare the archipelago's complex
21 economic, social, political, and environmental
22 vulnerabilities. Over the last decade, Puerto Rico
23 has experienced a consistent poverty rate of over 40
24 percent, an average unemployment rate over 11

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1 percent, the lowest median income of any U.S. state
2 or territory, tightening austerity measures, and a
3 dramatic 11.8 percent decline in population.

4 However, this situation was unsurprising
5 as it is firmly rooted in more than 100 years of
6 discriminatory policies and an unjust balance of
7 power between the federal government and the people
8 of Puerto Rico. This historic context and precarious
9 conditions must be fully accounted for when
10 evaluating what a just equitable and sustainable
11 emergency response and recovery to Hurricane María
12 should have been.

13 Hispanic Federation is a 30-year-old
14 nonprofit organization. And immediately after
15 Hurricane María, we began one of the largest private
16 emergency relief and sustainable recovery efforts in
17 Puerto Rico. To date, HF has raised and invested more
18 than \$42 million in private funding into the recovery
19 of the archipelago and with those funds we have
20 provided grants to more than 130 local nonprofit
21 organizations and executed multiple large-scale
22 initiatives.

23 This included chartering the first --
24 that we know, the first humanitarian private relief

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1 flight on September 23rd, which brought the emergency
2 personnel from New York City that the mayor is
3 mentioning. That was the first of 25 humanitarian
4 flights chartered by Hispanic Federation. We reached
5 all 78 municipalities with an estimated 7.4 million
6 pounds of food, water, and other emergency supplies.

7 Simultaneous to our response here in
8 Puerto Rico, we were also working with our networks
9 to support the displaced community in this state and
10 the various states across the U.S. where they were
11 resettling. In particular, the ongoing relationships
12 that we have built with a diverse network of Puerto
13 Rico based nonprofits has been foundational to our
14 impact. It has long been clear to us that the unsung
15 heroes and first responders of the hurricane relief
16 and recovery efforts are Puerto Rico's nonprofit
17 organizations, grassroots community leaders, and
18 mutual aid networks.

19 We witnessed this firsthand after the
20 hurricane, again after the earthquakes, and most
21 recently during the COVID-19 pandemic. However,
22 neither FEMA nor the Puerto Rico government has fully
23 acknowledged and integrated these groups into
24 emergency relief efforts, nor have they been fully

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1 remunerated for the work they completed that was the
2 responsibility of the government. FEMA and the Puerto
3 Rico government have at times shrugged responsibility
4 and suggested it's the households' responsibility,
5 not theirs, to adequately prepare for and recover
6 from a disaster, including evacuating, fortifying
7 homes, storing food and water reserves to last
8 multiple days, and then looking to home insurance
9 savings and loans to get back on their feet.

10 And that may be a reasonable expectation
11 for the average U.S. household, however for families
12 who live in poverty, rely on public food benefits, or
13 live on limited fixed incomes, as so many in Puerto
14 Rico do, there's no money left over to buy extra food
15 reserves, to easily evacuate a community or an island
16 before or after disaster, or to obtain that
17 insurance, those savings, or those loans to help
18 finance a quick recovery.

19 The mayor has already gone into the
20 problems with the emergency supply distribution. We
21 question why it took so long to bring supplies when
22 airports were open just days after. We know because
23 we were sending airplanes to Puerto Rico with food,
24 the food that's been investigated, how nutritiously

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1 deficient the food was, and how it promoted dangerous
2 levels of salt and sugar intake. Again, when
3 considering equity and a disaster relief, you have to
4 consider the health of people. We know that there is
5 a deep connection between poverty and health
6 outcomes, and yet they were sending candy and calling
7 it meals.

8 In addition, if we look to our individual
9 assistance for housing, there we see the language
10 access issues that were mentioned when you have
11 inspectors who spoke no Spanish and knew nothing
12 about Puerto Rico. Another major issue that I'm sure
13 will be discussed later was how many families were
14 denied on the basis of home ownership when it's not
15 even a requirement that they provide a title in the
16 Stafford Act. And yet, FEMA did nothing to
17 communicate with the families who had been unjustly
18 denied despite being asked by advocates repeatedly to
19 do so.

20 When we think about, again, comparisons,
21 we can also look to the fact that in Harvey, families
22 got an average of \$6,980 in Texas, and in Puerto Rico
23 less than \$3,000. The Transitional Sheltering
24 Assistance Program in the United States for families

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1 staying in hotels also lacked language access and
2 appropriate services. When we look at public
3 assistance, when we look at mitigation, all of those
4 programs also require the applicants to speak English
5 and apply in English.

6 But egregiously for us is the lack of
7 data transparency. And in one example I want to share
8 before I close, the fact that one of our nonprofit
9 agencies that we work with requested data from FEMA
10 to be able to provide support to individuals with
11 disabilities, it took nine months to receive that
12 data. And we know that those were the communities
13 that were most vulnerable here and who lost their
14 lives. Had they been provided that data and that
15 collaboration, many lives may have been saved. Thank
16 you.

17 CHAIRWOMAN CANTÚ: Thank you. Perfect. Ms.
18 Navarro, I'm speechless. Perfect.

19 I now call on Mr. Marxuach. We will hear
20 from you. Please proceed.

21 MR. MARXUACH: Good morning,
22 distinguished members of the U.S. Commission of Civil
23 Rights, fellow witnesses, and all those who are
24 following these proceedings. We at the Center for a

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1 New Economy believe it is important to bear witness
2 about the way Hurricane María victims were mistreated
3 by some agencies of the federal government. It is a
4 moral obligation we owe to those who suffered in the
5 immediate aftermath of the 2017 storms, to those who
6 are still living with the consequences, and to people
7 who unfortunately in the future will become victims
8 of natural disasters.

9 I have submitted the full version of my
10 statement for the record, so this morning I will use
11 my allotted time briefly to highlight some of the
12 ways both FEMA and the Department of Housing and Urban
13 Development have treated Puerto Rico unfairly in the
14 reconstruction process. With respect to FEMA, I would
15 like to underscore a point made by Secretary Marrero.
16 An amendment to the presidential disaster declaration
17 for Hurricane María dated November 2, 2017, required
18 FEMA to obligate all large-scale project funding for
19 public assistant permanent work for Puerto Rico
20 through alternative procedures.

21 Under these procedures, FEMA and Puerto
22 Rico had to agree to a fixed cost estimate for each
23 project related to permanent works. We're talking
24 about thousands of projects prior to the obligation

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1 of funds. According to the GAO, no state or territory
2 had ever been required to use these alternative
3 procedures for 100 percent of their permanent work
4 projects after a natural disaster.

5 Given the magnitude of the damage caused
6 by Hurricane María, it was foreseeable that the use
7 of these alternative procedures will present
8 implementation challenges and delays in developing
9 fixed cost estimates basically because Puerto Rico
10 was responsible for any cost that exceeded those
11 fixed cost estimates.

12 Under the alternative procedures, FEMA
13 and Puerto Rico had to agree on the appropriate
14 guidance to develop those estimates. It was not until
15 February 2020 that the GAO reported that FEMA had
16 developed guidance for developing those fixed costs.
17 However, it also found that the guidance did not meet
18 all of the GAOs best practices for estimating costs
19 and the GAO recommended that FEMA revise the guidance
20 to adhere more closely to best practices.

21 To be fair to FEMA, since 2017 it has
22 implemented -- since 2019, I'm sorry, it has
23 implemented several changes to its public assistance
24 program in Puerto Rico. We have expedited the

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1 obligation of funds according to the GAO. As of
2 January 15, 2021, FEMA has obligated 17.5 billion for
3 4,793 public assistant permanent work projects.
4 However, the actual expenditure of funds remains
5 painfully slow. According to this same GAO report, of
6 the 17.5 billion obligated for permanent work
7 projects, only 157.7 million, or less than 1 percent,
8 had been spent as of January 15, 2021.

9 Finally, we note that as of January 2021, more
10 than three years after Hurricane María, FEMA was
11 still developing cost estimates for 5,279 projects
12 related to the 2017 hurricanes. With respect to HUD,
13 between September 20, 2017, and June 2019, Congress
14 appropriated approximately \$20.3 billion in community
15 development block grant disaster recovery funds and
16 mitigation funds for disaster reconstruction and
17 mitigation activities related to Hurricanes Irma and
18 María in Puerto Rico.

19 The usual process for disbursing these
20 funds is somewhat cumbersome. As shown in Exhibit C
21 to my written statement, after Congress appropriated
22 the money, OMB issues an apportionment document to
23 HUD and then HUD has to publish a notification in the
24 Federal Register. The intended beneficiary then

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1 proceeds to draft an action plan for the use of funds
2 in accordance with the published regulations. If and
3 when the action plan is approved by HUD, then the
4 parties need to execute a grant agreement to allow
5 the expenditure of funds. However, as shown in
6 Exhibit D to my statement, this process has been
7 particularly, some would say suspiciously slow in the
8 case of funds allocated for mitigation activities in
9 Puerto Rico.

10 Indeed, a report issued by HUD's Office
11 of Inspector General on April 20, 2021, found that
12 the Trump Administration set up several bureaucratic
13 obstacles that substantially slowed down the process
14 for disbursing these funds. With respect to the
15 Federal Register notice for the use of \$8.3 billion
16 for mitigation activities, the OIG report described
17 months of negotiations between HUD and OMB which
18 resulted in several revisions to the notice text,
19 mostly at the request of OMB.

20 Several HUD officials found some of these
21 OMB requests to be unreasonable or outside the scope
22 of normal administrative procedure. For example,
23 Deputy Secretary Montgomery, during his OIG
24 interview, characterized OMB's revisions as

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1 containing "poison pills" because they would impose
2 unworkable criteria, and he was not sure it was even
3 "legal" to insist upon meeting these conditions.

4 Furthermore, OMB requested the Office of
5 Information and Regulatory Affairs to review the
6 proposed Federal Register notice, which a HUD
7 attorney described as "unheard of" for a disaster
8 related notice. Another HUD official described OIRA's
9 comments as "kind of like Groundhog Day," it just
10 keeps coming back.

11 The net result of loading the Federal
12 Register notice with poison pills and submitting it
13 into unnecessary administrative review was that the
14 mitigation notice for Puerto Rico was not filed until
15 January 27, 2020, 23 months and 19 days after the
16 corresponding appropriation and 146 days after the
17 statutory deadline. In contrast, HUD published a
18 notice for the other 14 CDBG-MIT grantees 150 days
19 earlier on August 30, 2019, and a notice for USVI 139
20 earlier.

21 While all the circumstantial evidence
22 points to undue OMB interference as the principal
23 cause of the delays regarding the disbursement of
24 CDBG funds for Puerto Rico, the OIG reports fell short

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1 of doing so, perhaps because formal OMB officials
2 refused to cooperate with the investigation while OMB
3 itself denied requests for information made by Office
4 of Inspector General.

5 Nonetheless, former OMB head and then
6 acting chief of staff, Mick Mulvaney, said the prior
7 part aloud, when on an October 17, 2019 press
8 conference regarding the Trump Administration's
9 withholding of military aid to the Ukraine, he stated
10 that we needed to put this in context. This is on the
11 heels of what happened in Puerto Rico, when we took
12 a lot of heat for not wanting to give a bunch of aid
13 to Puerto Rico because we thought that place was
14 corrupt.

15 This statement is problematic in several
16 ways, but I would just like to highlight that no
17 Puerto Rican official, no Puerto Rican government
18 official has been indicted, much less convicted of
19 any malfeasance regarding the expenditure of federal
20 disaster assistance funds with relation to Hurricane
21 María.

22 Nearly four years and three months after
23 Hurricane María, the totality of the circumstances
24 surrounding the federal government's response to the

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1 natural disaster strongly suggests that it was
2 arbitrary and capricious, and that Puerto Rico was
3 unreasonably treated in a different way relative to
4 other jurisdictions affected by the 2017 disasters.
5 Thank you very much for your time.

6 CHAIRWOMAN CANTÚ: Thank you, Mr.
7 Marxuach. Very, very good. We will now hear from Ms.
8 Miranda.

9 MS. MIRANDA: Buenos días. I'm honored to
10 be here today, and I will read a short version of my
11 statement, a longer version has been filed on record.

12 While over four years have passed since
13 María, our reconstruction and recovery process seem
14 to be stagnant. Hurricane María's force was extremely
15 destructive and so has been the response. It
16 sometimes feels as if we are still under the heavy
17 winds of María and only have paper towels thrown to
18 us as support.

19 I want to start by establishing the
20 context that led to the disaster caused by Hurricane
21 María. Disasters are caused or amplified by our
22 existing social context, vulnerability, poverty, and
23 inequality affect our adaptive capacity and our
24 ability to deal with this phenomenon. María was a

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1 socioeconomic and a natural disaster. The lack of
2 understanding that there are communities that are
3 more vulnerable, poorer, and therefore with less
4 capacity to react, recover, and adapt is in part what
5 has perpetuated the inequity in the recovery process
6 in Puerto Rico.

7 Let's look at some important points about
8 the recovery process. Hurricane María, or the lack of
9 preparation for it, and the state of our
10 infrastructure killed more than 4,600 people in
11 Puerto Rico, 70 times the official toll according to
12 estimates in a Harvard University study. Neither the
13 federal government nor the Puerto Rico government
14 were prepared for the magnitude of the disaster.

15 As an example of this, the Harvard study
16 found that a third of deaths after the hurricane were
17 due to interruptions in medical care caused by power
18 cuts and broken road lanes. As the mayor stated, a
19 report published on September 25, 2020 by the Office
20 of the Inspector General of the Department of
21 Homeland Security confirmed what we all knew -- that
22 the federal government was unprepared for the
23 management of the disaster. Let that sink in.

24 When it comes to spending, and aware that

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1 we prefer in La Liga is investing, the reality is not
2 better. Recent reports established that only 1
3 percent of the funds have been disbursed for
4 permanent work projects. Other reports state that
5 only 18 percent of the overall approved FEMA funds
6 have been disbursed. How, one may wonder, with so
7 much need and with the available resources can we be
8 so behind in our reconstruction process?

9 FEMA's delay in damage inspections, too
10 many changes, or a lack of staff from COR3 and FEMA,
11 and confusion over federal processes, have caused
12 this unforgivable man-made delay. To this we must add
13 of course the impact that the unilateral and ill-
14 informed measures imposed by the Fiscal Control Board
15 has caused municipalities. Further complicating the
16 reconstruction process is the fact that FEMA funds
17 must be reimbursed.

18 As stated before, municipalities are
19 facing a multiplicity of constraints imposed
20 unilaterally by the Fiscal Control Board as well as
21 the central government. Municipal budgets are facing
22 drastic reductions while the need of their
23 constituents increase. As an example, from 2015 to
24 2018, municipal budgets reported a reduction of

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1 almost 15 percent. It is expected that by fiscal year
2 2023-2024, 43 municipalities in Puerto Rico will be
3 fiscally unviable.

4 If funds must be spent to be reimbursed
5 but the available funds are extremely limited,
6 municipalities must be strategic in how to invest
7 their reduced resources -- a task that would be easier
8 to manage if the reimbursement process was not as
9 slow as it is. It is important to note that funds
10 that were directly allocated to local government,
11 funds A and B, were promptly disbursed and used. That
12 evidence that local units of government can be more
13 agile than the central government. We all know that
14 there is widespread discomfort with the management of
15 the FEMA funds by the central government,
16 specifically with the company contracted by COR3 ICF
17 Incorporated.

18 As an example, the mayor of Jayuya, the
19 municipality with the most FEMA funds allocated,
20 recently stated, and I quote, "These people, ICF
21 Incorporated, do not work. And if they work, they
22 change their minds and instructions every day." While
23 we are here to talk about Puerto Rico, it is important
24 to share that companies such as ICF have had previous

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1 allegations of breach of contracts at the federal
2 level, and that should be studied.

3 In the case of Puerto Rico, it is
4 important to note that since 2018, ICF has signed
5 contracts with COR3 that surpassed the sum of \$406
6 million, in part to advise and give administrative
7 consultancy to the municipalities and government
8 agencies to obtain funds. The complaints expressed by
9 the mayor of Jayuya are shared and amplified by other
10 mayors that have stated that they face similar
11 obstacles with ICF and with the burdensome and
12 bureaucratic process established by the COR3.

13 It almost feels as if there were
14 remaining winds from María impeding the recovery. To
15 these obstacles we must add the dramatic increase in
16 material costs, the absence of labor, the losses
17 related to the lack of compliance from insurance
18 companies, the compounding effects of other
19 disasters, and of course the pandemic. All of this is
20 further complicated by the delays caused by the COR3
21 in the approval of documentation previously approved
22 by FEMA.

23 It is also important to note that Section
24 428 of the Stafford Act establishes that if costs

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1 increase after estimates are approved, municipal
2 governments are responsible for the extra expenses.
3 It does not mention anything about assigning
4 responsibilities for the delays that lead to
5 increases in construction costs.

6 But there is more impeding the recovery
7 process, and this is an incapacity to understand the
8 consequences of decisions made at the central
9 government. An example of this is the adoption by the
10 central government of the advisory maps completed by
11 FEMA. These maps, these advisory maps, are incorrect,
12 misleading, and dangerous. They do not consider
13 previous mitigation projects funded with federal
14 funds, and they also exclude many potential
15 beneficiaries by identifying many communities as
16 being in a flood plain. This is particularly
17 impactful for many disadvantaged and economically
18 disenfranchised communities who will not be able to
19 receive the required funding, thus ending in
20 displacement.

21 We have a set of recommendations to deter
22 the violation of our civil rights, they're in our
23 reading statements, but I will read three of them
24 that I think are instrumental. The first one is to

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1 communicate to the central government that FEMA's
2 advisory maps are precisely that, advisory, and that
3 this should not be adopted without the proper
4 confirmation of their correctness. The second one is
5 to complete an assessment about disparity in
6 regulations to access funds imposed by our own
7 government and that have a negative impact on the
8 most disadvantaged and at need communities. And the
9 third one that I'm going to be sharing here is to
10 complete an assessment on the impact of the federal
11 impositions that are focused on formalized
12 communities and that do not adapt to the legal
13 framework or the reality of Puerto Rico.

14 Time constraints do not allow me to delve
15 into the topics that I have brought up here in a
16 general way, but we are hopeful about this public
17 briefing, hopeful that it will result not only in the
18 identification of all the things that have gone
19 wrong, but in actions to correct them and to prevent
20 them from ever happening again. Thank you.

21 CHAIRWOMAN CANTÚ: Thank you, Ms. Miranda.
22 Mr. Padilla Ruiz, we will now hear from you. Please
23 proceed.

24 MR. PADILLA: Ms. Chair and distinguished

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1 Commissioners, I'm going to be presenting in Spanish,
2 so you can put on your equipment.

3 ***Testimony available on page 173.***

4 Thank you so much.

5 CHAIRWOMAN CANTÚ: Thank you, Mr. Padilla
6 Ruiz. And now we will hear from our final panelist
7 for panel 1, Ms. Yentel.

8 MS. YENTEL: Thank you for the opportunity
9 to testify. At the National Low Income Housing
10 Coalition, we have been working on disaster housing
11 recovery for over 15 years, and from those
12 experiences have come to a simple conclusion:
13 America's disaster housing recovery system is
14 fundamentally broken and in need of major repair and
15 reform. The system fails to address the unique needs
16 of the lowest income and most marginalized people,
17 consistently leaves them behind in disasters, and
18 often worsens many of the challenges that low-income
19 people faced prior to the storm.

20 This inequitable disaster recovery was
21 exemplified by the response to Hurricane María.
22 FEMA's response in Puerto Rico was flawed in many
23 ways. My focus and the focus of the National Income
24 Housing Coalition is on the response to housing

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1 needs. A primary challenge was FEMA's refusal to
2 utilize proven programs to address housing needs.

3 After Hurricane María, FEMA relied
4 heavily on the Temporary Shelter Assistance program,
5 TSA, which temporarily puts people up in hotels. Low-
6 income families are often unable to access TSA motels
7 due to financial and other barriers, including the
8 practice of motels charging daily resort fees and
9 requiring security deposits or credit cards at check-
10 in. Because TSA must be renewed every 14 days,
11 disaster survivors who do access the program face
12 regular arbitrary deadlines that require them to
13 resubmit paperwork or leave the motel before finding
14 a permanent housing solution.

15 The Trump Administration abruptly
16 terminated the TSA program for nearly 2,000 Puerto
17 Rican families displaced to the continental U.S. and
18 refused to activate the Disaster Housing Assistance
19 Program, which would have provided them with longer
20 term direct rental assistance and case management
21 services. Many disaster survivors became homeless as
22 a result.

23 In states with large numbers of displaced
24 Puerto Rican survivors, homelessness increased by 14

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1 percent in Massachusetts, by 17 percent in
2 Connecticut. This is a pattern seen again and again
3 after disasters in recent years, including after
4 Hurricane Harvey, where one year after the storm,
5 homelessness had increased by 18 percent with 20
6 percent of those newly homeless attributing their
7 housing loss to the disaster, a clear example of
8 FEMA's extraordinary failure to meet the housing
9 needs of disaster survivors.

10 FEMA has a systemic lack of transparency
11 and a convoluted application process. FEMA
12 consistently refuses to clarify or make public
13 important information about its aid application
14 process, making it difficult to determine who is
15 eligible to receive assistance and why assistance is
16 denied. This leads to higher denial rates for low-
17 income disaster survivors. A full 60 percent of
18 applicants were denied individual assistance after
19 Hurricane María, and many disaster survivors with the
20 lowest incomes don't apply for assistance at all
21 despite their need.

22 FEMA failed to address title
23 documentation issues and denied survivors assistance
24 to which they were entitled. After Hurricane María,

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1 FEMA denied assistance to at least 77,000 survivors
2 due to a lack of property title. This followed a
3 similar pattern after disasters in the continental
4 U.S. for decades. FEMA has been aware, since at least
5 1995, of this challenge and the harm it does to low-
6 income and marginalized communities, but until very
7 recently has done nothing to address it.

8 After María, NLIHC and partners like
9 Ayuda Legal and El Fondo engaged with FEMA to create
10 a sworn statement allowing those without title
11 documents to prove ownership. And still FEMA refused
12 to notify survivors of the new form or make the
13 statement available online. The Biden
14 Administration's FEMA recently made substantial and
15 long overdue improvements to this process, but more
16 action is needed. FEMA must now allow survivors in
17 Puerto Rico and across the nation who were previously
18 denied by FEMA the opportunity to reopen their cases
19 to access the assistance to which they are entitled.

20 After FEMA's inadequate response to
21 Hurricane María, HUD delayed assistance to Puerto
22 Rico and failed to provide oversight to ensure that
23 funds were being distributed equitably. It took six
24 months for Congress to approve money for Puerto

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1 Rico's recovery and more than two years for HUD to
2 fully allocate disaster mitigation funds. When HUD
3 resources do arrive after disasters, recovery and
4 mitigation efforts consistently favor higher income
5 communities at the expense of low-income communities
6 and communities of color, which are often located in
7 areas at higher risk of disaster with less resilient
8 infrastructure.

9 In Puerto Rico, long term recovery funds
10 are provided only to those able to ensure their homes
11 will comply with flood protection standards. But the
12 recovery program doesn't help lower income disaster
13 survivors to implement any mitigation measures, nor
14 does it ensure that low-income residents are served
15 by mitigation projects.

16 As we work towards a complete overhaul of
17 disaster housing recovery to center the housing needs
18 of the lowest income and most marginalized survivors,
19 including people of color, people experiencing
20 homelessness, people with disabilities, and others,
21 there are immediate steps that Congress should take
22 to improve the process, including permanently
23 authorizing the Disaster Housing Assistance Program
24 and automatically activating it after major disasters

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1 to provide longer term housing assistance and wrap
2 around services to low-income survivors; permanently
3 authorizing the CDBG-DR program and including
4 essential protections and assurances of equitable
5 distribution and public participation; enacting the
6 Housing Survivors of Major Disasters Act to allow
7 Puerto Ricans to reopen their denied cases and
8 receive the FEMA assistance they are entitled to;
9 requiring that FEMA provide basic essential
10 information about federal disaster response and
11 recovery efforts, including eligibility, the
12 application process, and reasons for denial; and
13 requiring FEMA to provide categorical eligibility,
14 simplify the application and appeals process, and
15 track and report on outcomes and demographics to
16 ensure recovery aid reaches those in need.

17 Thank you again for the opportunity to
18 testify. I look forward to your questions.

19 MADAM CHAIRWOMAN CANTÚ: Thank you, Ms.
20 Yentel. Everyone was wonderful, on time, and now we
21 are turning to the place in this agenda where we will
22 accept questions from the Commissioners. We'll start
23 with the people in person. Would a Commissioner in
24 person like to ask any questions directed to the

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1 panel?

2 Commissioner Yaki.

3 COMMISSIONER YAKI: Thank you so much,
4 Madam Chair. In every disaster there's the response
5 and the recovery. I want to focus on that response
6 right now because -- I think the response is related
7 to this. From your experience, I'm going ask -- start
8 with Madam Cruz Soto first and then everyone else can
9 chip in.

10 But from your experience on the ground at
11 the time, why was aid so late and the forms of aid
12 that you received so inappropriate to what you
13 believed your needs really were?

14 MS. CRUZ: I've been asked this question
15 many times in the past years. And it took me a long
16 time to even utter the response, and I think the
17 Secretary of State and Mr. Padilla referred to it.
18 We are a colony of the United States, black and brown
19 people, poor; 60 percent of our people are poor. And
20 simply our lives did not matter to the people that
21 headed the U.S. at the time.

22 The problem is that this shouldn't matter
23 on who is the president and whether they know Puerto
24 Rico, they like Puerto Rico or not. You don't -- a

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1 slave is a slave. It doesn't stop being a slave
2 because his or her master gives her three meals a day
3 and doesn't beat them on a daily basis. So, what
4 really happened is -- we have to remember; the Trump
5 administration was -- this was very early on. And
6 there was a narrative from the Pentagon, from the
7 White House, from FEMA federal officials to position
8 Puerto Rico -- and this was the "el titular," the
9 headline, as a good news story. But the world was
10 here. I denounced it.

11 I have to say that I was politically
12 bashed by the opposition, here in Puerto Rico and in
13 the United States, because they said I was making
14 this up. But really what happened is that Puerto
15 Rico's response became a blemish in the Trump
16 administration worldwide. And then rather than
17 making it better they made it worse. There have been
18 reports saying that -- not only in the Inspector
19 General reports and OMB report that not only did the
20 federal government did not give us the aid but they
21 covered it up.

22 COMMISSIONER YAKI: We heard about the
23 water bottles that never made it to Puerto Rico, that
24 were sitting on the tarmac somewhere else, and --

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1 MS. CRUZ: There was that. There was
2 that FEMA admitted paying a company in Florida about
3 \$50 million for food that never got to Puerto Rico
4 and then they rescinded the contract. I also
5 remember, and the Hispanic Federation has to remember
6 this, that there were no tarps in Puerto Rico. It
7 took them, again, a long time, 69 days, says the
8 Inspector General. But this is the truth. When
9 you have several crises, that is, at the same time,
10 Harvey, Florida, and Puerto Rico, you choose to treat
11 faster and quicker those that you consider your own.
12 And I have to say this, and I say this -- look, every
13 day I wake up and we wake up and we think 3,000 Puerto
14 Ricans or more did not open their eyes. We saw them.
15 I saw them gasping for air, people without dialysis,
16 people without chemotherapy, children that looked up
17 at a bottle of water and just wanted to reach out to
18 you because you had a bottle of water six months old.
19 So, we saw this and I think mayors of all parties in
20 Puerto Rico saw this.

21 But it is, and I don't want to politicize
22 this, but it has to do with our colonial -- we are
23 colonial subjects. So, our lives matter less. And
24 on top of that, we're black and brown. And on top of

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1 that, we're poor.

2 And we have to thank the diaspora,
3 Chicago, Holyoke, Massachusetts, New York City. I
4 remember going into New York City and seeing this
5 entire place filled with different services. And the
6 one that struck me the most, Mr. Yaki, was the place
7 that contained the little coats for little children,
8 six months old. So, I am convinced -- and believe
9 me, it took me a very long time to be convinced of
10 this, because you don't ever want to be convinced
11 that your life does not matter just because you're
12 politically a subject of another country that has
13 colonized you.

14 And I've great respect for the American
15 people, because where the American government failed
16 us, the American people and the diaspora, "los
17 puertorriqueños," and the diaspora really took care
18 of us. They fed us. They gave us water. They took
19 care of our wounds. They held us in their arms and
20 said, "We care." AFL-CIO workers, 324 AFL-CIO workers
21 took vacation and were brought to San Juan to help,
22 not only San Juan, but some 37 other towns around
23 Puerto Rico.

24 So, I am convinced that it had to do with

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1 the disdain that the then president had. The problem
2 is that this is systematic and structured. So, we
3 cannot depend on another president being amiable to
4 Puerto Rico. The systematic oppression and racism
5 that being a colony gives us has to end. Whether the
6 people of Puerto Rico want statehood, whether they
7 want independence, whether they want an enhanced
8 Commonwealth, or whether they want free association.
9 We must be allowed as a nation that we are -- because
10 we are a nation, we're not colonial subjects that --
11 "Puerto Rico es una nación." We are a nation, and we
12 must be allowed to decide the next chapter of our
13 lives with the United States. I have my preference,
14 but I've always spoken more about a process of self-
15 determination than about the end of that process.

16 COMMISSIONER YAKI: Thank you.

17 MR. PADILLA: Commissioner Yaki?

18 COMMISSIONER YAKI: Yes.

19 MR. PADILLA: This is an issue about
20 political representation. This is about an issue
21 about power. This is about -- this is an issue about
22 the situation that has been managed by Congress and
23 doing nothing for the last 120 years. That's why we
24 urge Congress to address the political issue of

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1 Puerto Rico in order to let us fulfill our civil and
2 human rights.

3 COMMISSIONER YAKI: Anybody else? I see
4 lots of you.

5 MS. GOSSETT: So, I want to echo what's
6 been said for sure. And actually, The New York Times
7 recently had an article talking about not just the
8 biases in wealth that are part of FEMA but also the
9 racial biases that the data is clearly showing across
10 FEMA services. So, there's reports and evidence to
11 back up what's being said.

12 There are also major logistical
13 challenges in terms of -- I mentioned earlier, they
14 claimed, "Oh, we shipped everything. Everything took
15 too long. We shipped it". Airports were open. The
16 very week afterwards, regional airports were open.
17 And if there was a will to get stuff here and if they
18 had taken into account our geography instead of just
19 shipping things and waiting for it to get here,
20 working with contractors as they mentioned -- that
21 same OIG report shows they lost site. They didn't
22 use their GPS tracking, and so there were major
23 problems in the logistics of what they sent.

24 You mentioned the water bottles. It

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1 wasn't just water bottles; it was 20,000 pallets of
2 water bottles that were delivered in March and then
3 not found until September. In March they were calling
4 it a surplus. In March we were still distributing
5 water filters to people who had no potable water in
6 their communities, so the need was still there. Why
7 was it sitting on that tarmac? I don't know.

8 There are major problems in their
9 contracting. I mentioned it was actually 156-
10 million-dollar contract that went to a woman in
11 Florida who had already canceled contracts with the
12 government, multiple cancelled contracts. Yet they
13 gave her that contract to provide food. Meanwhile,
14 again, if you look at the comparison in the amount of
15 food that arrived to Puerto Rico nine days later,
16 versus Harvey, I think it was 5 million meals
17 delivered to Texas a little over 1 million to Puerto
18 Rico in the same time period. And they're hiring
19 failed contractors. The same could be said if
20 you look at contracting, you want to look at
21 discrimination. Actually, we've cited in our report,
22 and I didn't get to it, in our summary, we have done
23 an excellent job of tracking those contracts. And
24 although the Stafford Act requires that there be

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1 preference given to contractors from the impacted
2 area, that is the law, it's in the Code of
3 Regulations, FEMA, one year after, had only
4 contracted -- 8 percent of their contracts had gone
5 to local companies.

6 The reason we were able to distribute
7 food to all 78 municipalities -- we reached 60 in
8 less than two months despite the fact that at the
9 time we had no on the ground office here. That didn't
10 happen until January. Small nonprofit able to reach
11 all 60 municipalities, 78 within a few months after
12 that, was because we contracted with local
13 distributors after we saw the backlog of containers
14 and shipping containers and saw that that strategy
15 wasn't going to work.

16 Unlike FEMA, who is incredibly
17 bureaucratic in making decisions, we immediately
18 switched strategies and discovered that the
19 distributors here in Puerto Rico had -- their
20 warehouses actually were full of food, and they had
21 trucks full of gas that could do deliveries. So, we
22 made calls, made payments, and one to two days later
23 were able to send pallets of food to all of the
24 municipalities as soon as we found a mayor or a

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1 contract to send them there.

2 Had they, instead of giving preference
3 and looking to these contracts in the U.S. and making
4 these quick and rash decisions for failed
5 contractors, which also happened with the tarps --
6 that was a 30 million contract given to a tiny company
7 in Florida ran by two brothers who had never dealt
8 with tarps ever, or even managed a federal contract,
9 got a contract to provide tarps that they never
10 provided to Puerto Rico.

11 If instead FEMA had focused on, one, some
12 of the strengths that are here in Puerto Rico, focused
13 on supporting the local economy, here in Puerto Rico,
14 and finding those here who could help, we could have
15 moved things a lot faster as well. So, I think there
16 were a multitude echoing what was already said,
17 adding to that these types of issues.

18 MR. MARXUACH: Just a brief comment. I
19 don't know why this came to mind listening to Mayor
20 Cruz Soto. I really want to highlight what I think
21 is the fundamental issue here. And what came to mind
22 was a quote from President Kennedy, that he gave a
23 speech on June 1963 when George Wallace was standing
24 at the door of the University of Alabama to prevent

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1 African American students from registering to study
2 at the University of Alabama.

3 And President Kennedy, if I remember
4 correctly, said in that speech that the issue that
5 was facing the nation back then, and I think it's
6 appropriate here in Puerto Rico right now, "Is as old
7 as the Scriptures and is as clear as the U.S.
8 Constitution," it's whether we are willing to treat
9 our fellow citizens with the same rights and the same
10 equal protection under the law.

11 It's whether we're willing to treat our
12 fellow human beings as we would like to be treated.
13 In the case of Hurricane María, as a Puerto Rican, as
14 a U.S. citizen, as a human being, I certainly will
15 not like anybody to be treated the way we were
16 treated.

17 MS. MIRANDA: If I may add, I agree with
18 everything that's been said. I do want to add that
19 we are a colony. It's something that we know, but
20 it's important to also understand that if Puerto Rico
21 is a colony, municipalities are the colony within the
22 colonies. So, that's very important to also take
23 into consideration. I think there's a lot of causes
24 to what happened.

25

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1 I think the first one is a lot of
2 political will. There's a lack of political will at
3 the federal government. There's a lack of knowledge
4 in terms of who we are, what we mean as a country,
5 our distance, etcetera. There's also a metrocentric
6 approach to distribution of resources. It's sort of
7 like Puerto Rico is only the metropolitan area. As
8 an example, our central government invests 70 percent
9 of our budget in five municipalities, where only 25
10 percent of our population resides. So, that's
11 something to take into consideration. And
12 there's also a narrative -- I mean, competence and
13 corruption that does not take into consideration the
14 role of the federal government. That report from
15 FEMA that says that FEMA lost 38 percent of the goods
16 that were coming to Puerto Rico at a cost of \$257
17 million, if that had happened in Puerto Rico, we would
18 have not stopped hearing about it, right?

19 So, anything that happens over there is sort of
20 like, you know, hidden under the rug, and anything
21 that happens here is magnified, but without the
22 analysis of the context of how it happens. So, I
23 think that my response is shorter, they just don't
24 care about Puerto Rico. It's as simple as that. We

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1 don't have to give a lot of introductions. Everybody
2 knows we're a colony. The Supreme Court has said it
3 firmly and it's just a reality that we're just here.
4 We're an island. We were occupied. We were invaded
5 and that's it. There's just -- they don't care.
6 That's it.

7 CHAIRWOMAN CANTÚ: Commissioner
8 Adegbile?

9 COMMISSIONER ADEGBILE: Madam Chair, I
10 believe the Secretary of State had a response.

11 CHAIRWOMAN CANTÚ: Thank you.

12 MR. MARRERO: Thank you, Commissioner.
13 Just a brief remark.

14 As I said in my intervention, what we
15 requested in every single stage during the response
16 was just equal treatment. We requested that we were
17 just given a chance as every other jurisdiction in
18 order to manage the process and respond our people in
19 a swift manner. As many of the panelists said, yes,
20 I believe that the biases that they had against the
21 people of Puerto Rico had an effect, also the
22 bureaucracy of FEMA, and from a science of delivery
23 perspective, also the lack of internal capacity of
24 FEMA to manage several disasters across the nation.

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1 But obviously the political status was
2 the main issue. The fact that we have -- we don't
3 have representation in Congress, the fact that we
4 don't vote for the president, and the fact that we
5 all know that this will not happen in the great state
6 of New York or any other great state, makes quite
7 clear that our political status and the fact that we
8 are subject to the powers of Congress, we did not
9 have the same treatment as any other jurisdiction.

10 Also, that allowed for some of the
11 administration at that time to get away with the
12 narrative, that people in Puerto Rico were just
13 incompetent, they were not able to manage federal
14 funds in a swift manner. And not only we have seen
15 what happened during the response with the
16 municipalities, but also, we took into consideration
17 how the municipalities were so effective in managing
18 the federal disaster funds that we received during
19 the pandemic. This is a real example that you can
20 use as a benchmark.

21 In the case of the pandemic, the
22 government of Puerto Rico received as any other
23 jurisdiction direct funding from the federal
24 government, and we were able to effectively deploy

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1 those funds in order to address the people of Puerto
2 Rico with no -- in comparison with other
3 jurisdictions, we have done a phenomenal job in doing
4 so. And this is very important to see because, as
5 opposed to the FEMA process, you know that you have
6 to go through an obligation and then request for
7 reimbursement, so the process takes longer. But when
8 we have the ability, when we have the opportunity, I
9 should say, to manage the process, we can do it in a
10 very professional way as done in many other states.

11 But also, I have to reemphasize what
12 other panelists said, that the fact that we are
13 considered or that the fact that we are not seen as
14 American citizens as any other American citizens in
15 the nation definitely allows some in the federal
16 administration to take that approach with the people
17 of Puerto Rico. But also, I have to highlight, as
18 Sergio Marxuach said, we also have to be fair with
19 the federal administration.

20 We had some friends in many areas of the
21 -- that were trying really hard to expedite the
22 process, but unfortunately, we saw that atmosphere
23 percolating across the federal government, just
24 putting off -- for the people of Puerto Rico. And

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1 this is not just me saying it, it's because I was
2 there in many meetings in Congress, many meetings
3 with FEMA, HUD, DOH, Treasury and even the White
4 House. And unfortunately, every single time that we
5 complied, as I said, the goal post was just moved.

6 MS. YENTEL: If I could just briefly add
7 one more -- fully agree with all of my colleagues
8 here. And defer to them on the primary reasons.

9 But just to add briefly one more piece of
10 the puzzle. It's that FEMA is, as an agency,
11 extraordinarily rigid and unable or unwilling to
12 adapt to unique needs. So, they follow a script and
13 a playbook, which is already flawed and doesn't meet
14 the needs of low income and marginalized people. And
15 then they fail to adapt that playbook to clearly
16 unique circumstances.

17 COMMISSIONER ABEGDILE: Madam Chair, may
18 I?

19 Thank you for all of your thorough
20 responses and the very substantive details you've
21 been providing to us. I want to pick up from this
22 last statement that you made, Ms. Yentel, and focus
23 everybody for a second on the idea that, because we
24 are a U.S. Civil rights Commission, we are

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1 particularly focused on the civil rights dimension,
2 which many of you have spoken to. And I wanted just
3 sharpen some of the dialogue on these issues so that
4 we can be clear for purposes of our report.

5 Some of what I've heard is that the
6 federal response was inefficient, bureaucratic, slow.
7 Some of what I've heard is that there's a sense that
8 the federal response was motivated by treating Puerto
9 Rico differently because of perceptions of race,
10 language, status, and other protected
11 characteristics. And what I'm asking those of you
12 who can respond to this is to try, and put in light
13 for us, is to share the best direct or circumstantial
14 evidence that the flawed response was in fact due to
15 these civil rights issues and not just inefficiency
16 and bureaucracy.

17 Both contribute, I'm quite sure, based on
18 what you've shared with us, but I just want to make
19 sure that we're not missing the best evidence that
20 you can marshal, that what we have here are actual
21 civil rights violations. Thank you.

22 CHAIRWOMAN CANTÚ: And let me add, the
23 rest of the list is age, religion, disability status,
24 and violations of the Constitution. Sex. Any other

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1 categories? Those are all of the lists that we want
2 to hear from. Yes.

3 COMMISSIONER YAKI: And national origin,
4 which I think a lot of you touched on.

5 MS. CRUZ: Yes. If I may, I talked about
6 the deaf population, as an example. FEMA has the
7 capacity, and it offered it in Harvey, to have
8 personnel that have American Sign Language as part of
9 the way that they communicate. That would even have
10 been a prob -- they never offered that in Puerto Rico,
11 but that would have been a problem because Americans
12 Sign language and Puerto Rican sing language are
13 totally different. The structure of the way that
14 information is communicated in the Puerto Rican deaf
15 community is quite different.

16 But I want to point out, and I think it
17 was Ms. Yentel that mentioned it, a lot of Puerto
18 Ricans don't have property titles, "título de
19 propiedad." That is especially true, and I'm sure
20 you've heard it, Ms. Cantú, from the people at Loíza
21 and El Caño Martín Peña. It took FEMA about three
22 months to be able to tell the municipalities and the
23 central government, "Listen, let us go with just an
24 affidavit that states that your neighbor knows that

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1 you've been living there for X number of years."

2 It is a clear violation of civil rights.
3 Why? Because, first of all, you don't have equal
4 access to the way that you are being treated or to
5 the services that you have a right to be provided.
6 Also, we have in San Juan and in other areas of Puerto
7 Rico, but mostly in San Juan, a very large Dominican
8 population, people that came from the Dominican
9 Republic with or without the appropriate papers to be
10 in Puerto Rico. I don't like to call anyone illegal.
11 They just don't have the appropriate papers,
12 undocumented.

13 Just this morning we woke up to the news
14 that New York passed a legislation stating that
15 anyone can vote in their election. So, it's moving
16 forward. But it made it a lot more difficult for
17 people that were undocumented to come forward because
18 when they see somebody dressed with the federal seal
19 they think of ICE. So, they don't come forward and
20 at a time like that, people have to come forward.

21 But also, the people that were -- and
22 I'll give you an example. There was the ship, I
23 forget the name of the ship that was brought -- the
24 U.S. Comfort. The U.S. Comfort was brought to Puerto

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1 Rico and we thought, "Oh, that's great. It really is
2 going to help." And then there were no guidelines and
3 people were denied treatment. People were denied,
4 they were not allowed. If we sent them to the U.S.
5 Comfort, they were not allowed to go in because the
6 U.S. Comfort would only deal with certain types of
7 ailments. So, time after time there are specific
8 examples.

9 And I just want to finish with this, with
10 something that Ms. Miranda mentioned, and Ms.
11 Navarro, in the U.S. the state of Texas receives money
12 from FEMA, but also the cities directly receive money
13 from FEMA. Especially if the cities are above 500,000
14 or 350,000 people that are populated. No one in
15 Puerto Rico, no city -- San Juan at the time had
16 375,000 population. If there is a way -- and where
17 there is a will, there is a way to not only leave
18 that money at the state level in Puerto Rico but to
19 also treat us like other jurisdictions where they put
20 the money in the hands of the municipalities and also
21 have a plan for the municipalities to put into the
22 hands and the money of the nongovernmental
23 organizations, it is a lot faster.

24 What we learn from New York City is to

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1 look -- get religious leaders, recreational leaders,
2 our community leaders, and put the aid in their hands.
3 I never went around giving boxes of food for political
4 reasons. I gave it all to organizations that then
5 gave the food for humanitarian reasons. And I think
6 that looking at protecting the civil rights from the
7 standpoint of the municipal government and the
8 nongovernmental organizations also helps to minimize
9 some of those inefficiencies in the distribution.

10 MR. PADILLA: Mr. Commissioner, as I told
11 earlier, we do have people, trans people that was
12 denied because the system says -- a gender mark was
13 different than they would assume. And that's a clear
14 messing with civil rights. That's a clear way to
15 discriminate those people because they have to go
16 through an appeal process in order to get -- and they
17 were devastated because of the hurricane impact. And
18 they were lost in the middle of nowhere trying to
19 fight with this agency because of those gender marks.

20 COMMISSIONER YAKI: Can I do a quick
21 follow up on the U.S. Comfort? One of the things
22 that -- I'm sorry, Commissioner, I just want to get
23 this.

24 One of the things that boggles my mind

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1 about what happened with María is in most disasters,
2 deaths occur at the event and not after the event.
3 This was flipped in Puerto Rico because of issues of
4 people who have dialysis, people who have diabetes -
5 - there are any number of people who were -- who would
6 fit in the definition of disabled under the Americans
7 with Disabilities Act. Why were they -- did they
8 attempt to get access to the U.S. Comfort? Was there
9 any sort of recognition of this by the federal
10 government in getting appropriate dialysis machines
11 or supplies of insulin to the island? Because this
12 information is available to the federal government.
13 They have it all, whether it's through the census,
14 the American Community Survey, whether it's their
15 Medicaid stats, they know what the population's
16 health is like here and who's got what or more than
17 likely whatever. Did any of that occur?

18 MS. CRUZ: Mr. Yaki, the Hospital El
19 Maestro, which is very close by, needed generators.
20 They did the forms, and they did the forms, the
21 generator never came. The Municipality of San Juan,
22 at the time, we put the generators in there after
23 their ICU collapsed. And why after? Because that's
24 when we could get there.

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1 Ever since -- while I was mayor, the
2 Hospital El Maestro, which is a hospital for the
3 teachers that have worked in our public system, every
4 time there was a blackout, which in Puerto Rico occurs
5 every day -- I'm living now in Massachusetts, but my
6 parents, my brother, and my daughter live in Puerto
7 Rico and it's like it's a joke, you know. And it's
8 not a joke because people -- we don't want electricity
9 to take warm showers. We wanted electricity at the
10 time, so our doctors did not have to operate with the
11 light on their cell phones.

12 So, no. FEMA, you put out a form and you
13 asked for it and you asked for it and nothing came.
14 Because I screamed and I complained a lot, they put
15 an entire battalion of people from FEMA to work at
16 the Coliseo Roberto Clemente, which was the largest
17 shelter in Puerto Rico. And what they did was handle
18 and handled the paperwork. I don't know if Ms.
19 Miranda has gotten this information from other
20 mayors, but we input the information in one system
21 and then they literally would tell us, "No, no.
22 That's not good. Now you have to input the same
23 information in another system."

24 This is why I have proposed that we

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1 should come up at the U.S. national level and at the
2 Puerto Rican national level with an Emergency
3 Management System that includes all of the
4 information previously. We know what a category 1
5 hurricane is going to reflect in terms of -- maybe El
6 Centro for Nueva Economia can tell us, "Category 1,
7 this is usually how much we are going to lose." So,
8 we shouldn't be waiting for the administration,
9 whichever administration it is, to decide what
10 they're going to approve from now on. So, the answer
11 is no. These hospitals that -- and I went to various
12 hospitals in San Juan, they did not receive what they
13 had asked from FEMA because simply FEMA did not have
14 generators all in hand.

15 COMMISSIONER YAKI: And the Comfort
16 wasn't --

17 MS. CRUZ: The Comfort, you would ask for
18 people to be in an intake in the Comfort and they
19 would tell us no, it's not for that type of -- women
20 that wanted to give birth, it's not like you decide
21 when you want to give birth. So, I want to give birth
22 in a place where I know that my child will be taken
23 care of.

24 COMMISSIONER YAKI: Tell me what were the

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1 criteria? You had to be maimed or something like
2 that? I mean, if you're in a medical emergency,
3 wasn't that the whole purpose that they trumpeted the
4 Comfort --

5 MS. CRUZ: Trauma. If you had trauma,
6 severe trauma, then. But not for --

7 COMMISSIONER YAKI: Diabetic shock, no?

8 MS. CRUZ: No. No.

9 COMMISSIONER YAKI: Renal failure from
10 dialysis?

11 MS. CRUZ: No.

12 And I'll finish by saying this, at the
13 municipality of San Juan, with the University of
14 Sagrado Corazón -- and I know what I'm going to say
15 is going to be controversial, they had about 30 Cuban
16 doctors that were studying to become nurses in the
17 United States and the president of the University of
18 Sagrado Corazón brought them to San Juan.

19 And we went through communities just
20 scouting for people and gave out about 736 -- of
21 course, you know it might be 700 and more than that,
22 but medication, that we identified people. And we
23 would go back and give them the medication again and
24 again and again. So, there is no national Puerto

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1 Rico's stockpile of things like diabetic insulin and
2 so forth, high blood pressure, asthma medications.

3 We established things called Centers for
4 Citizen Transformation where they would have access
5 run by the communities, and Comerío, is doing one
6 next week ran by the communities to deal with basic
7 health issues at the Community level.

8 MS. GOSSETT: If I can add to your
9 question. I'm going to find for you, I recall quite
10 a few articles coming out around the time around the
11 problems with the Comfort and how they were turning
12 people away. So, I'm going to search those and share
13 them.

14 And I'd also like to put you in touch
15 with MAVI, which is an organization that I referred
16 to earlier, not by name. But when I was speaking in
17 my report. Immediately after Hurricane María, they
18 requested that data from FEMA because they're an
19 organization that their expertise is advocating for
20 and providing services to people with disabilities
21 all across Puerto Rico and they knew that those people
22 were going to have special needs and that needed to
23 be immediately attended to. They did not receive
24 that data.

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1 First, they were denied because they were
2 told there were confidentiality issues and there is
3 no way around that. After their insistence, suddenly
4 FEMA found a way around it. And yes, with an MOU
5 they could get that data they needed -- they provided
6 that MOU. It still took them nine months to give
7 that data to MAVI. As a reminder, those 3,000 people
8 -- more than 3,000 people who died in that aftermath,
9 many from those chronic health issues and
10 disabilities, died in the first six months.

11 And had that data been provided to that
12 organization, they may have been able to pull their
13 resources together to provide their support for those
14 folks. But as mentioned, and mind you just mentioned
15 it, FEMA was not working with the nonprofit
16 organizations here on the ground who know their
17 communities best, who were the first responders. And
18 we have seen this in each of the disasters since.

19 There is for some reason a resistance
20 from both FEMA and the central government in Puerto
21 Rico to partner with the network of community based
22 and grassroots organizations to capitalize on their
23 expertise and the trust that they have in
24 communities. And the result of that was lives lost,

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1 and in particular our disability community.

2 COMMISSIONER ADEGBILE: Great, I think
3 that there may be a couple that just wanted to come
4 back to my question about.

5 MS. MIRANDA: Yeah.

6 COMMISSIONER: Okay. Thank you.

7 MS. MIRANDA: I wanted to add, I agree
8 with everything that Stephanie said, but I think --
9 and I understand your question in terms of the
10 specific -- I can't even say it in Spanish, but I can
11 understand the question. But I think it's more
12 systemic than just an example. In the case of the
13 League of Puerto Rican Cities, and I agree with what
14 Charlotte is saying and the mayor are saying, that
15 nonprofit organizations, community organizations
16 were first responders, but so were municipalities.

17 So, in the League of Cities, what we're
18 advocating is for to move from resilience to systemic
19 change. Because the focus on resiliency, what it
20 means is that we have to keep on being prepared to
21 survive whatever comes our way. I'm tired and
22 exhausted of being resilient. I can understand
23 resiliency from a climate change perspective. But
24 when it comes to recovery, for you to ask me and my

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1 communities to be resilient, it's really a slap on
2 the face.

3 So, I think the conversation has to be
4 more about the system that we have and how there has
5 to be real systemic change to impede the violation of
6 civil rights.

7 We can give you a list of concrete
8 examples if you want, if we have more time, we can
9 send it your way. But I think, overall, the
10 conversation has to be about the system that we have
11 and how there has to be real systemic change that
12 moves us from resiliency to real equitable
13 development and recovery. So, I think that that's
14 something that should be included.

15 MS. GOSSETT: To add to that question,
16 specifically, I think we can look to the fact that
17 President Trump wanted to sell Puerto Rico as a
18 response, right? If we want to see what the attitude
19 was towards Puerto Rico in particular, I think that
20 gives a clear example. And also in language access.

21 Language access is protected under the
22 Civil Rights Law for national origin. Puerto Rico is
23 clearly an example of that. In 2000, President
24 Clinton put out an executive order that required

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1 federal agencies to provide meaningful language
2 access. I do not believe FEMA is complying with that.
3 There is guidance, specific guidance on when that
4 meaningful access has to be provided. I'm going to
5 read it and you determine whether Puerto Rico meets
6 the standards, the four factors that are supposed to
7 be considered.

8 It's one, the number or proportion of
9 LEP, limited English proficient persons, who are
10 eligible to be served or likely to be encountered by
11 the program or grantee. In Puerto Rico, that's
12 everybody. The frequency with which LEP individuals
13 come in contact with the program. In a disaster
14 relief program, understood. The nature and
15 importance of the program, activity or service
16 provided by the program to people's lives. What is
17 more important than your disaster relief and
18 recovery? And their resources available to the
19 grantee, recipient, or cost.

20 In the case of FEMA, with Puerto Rico
21 alone, has over \$38 billion at its disposal. That's
22 only Puerto Rico. I believe Puerto Rico meets all of
23 those standards, and FEMA should be in compliance
24 with language access, and they absolutely were not in

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1 their response to Hurricane María.

2 COMMISSIONER ADEGBILE: I just want to
3 check to see if Ms. Yentel wanted to weigh in on this
4 topic and then there may be others.

5 MS. YENTEL: Thank you. And I would agree
6 with everything that has been said and especially the
7 last comments, which I was going to touch on and
8 won't.

9 But I would just come back to the title
10 documentation issues as what I think is one of the
11 clearest patterns of discrimination by FEMA for
12 decades. After Hurricane Katrina, there were
13 thousands of people in Alabama and Louisiana,
14 predominantly, disproportionately black households
15 in predominantly black communities that hand down
16 home ownership more informally that were denied
17 assistance.

18 After Hurricane Michael in the Panhandle,
19 50 percent of families, households, were denied
20 assistance due to title documentation. Again, it was
21 in the region of the state that is disproportionately
22 people of color, and disproportionately poor. After
23 the hurricane -- after the wildfires in California,
24 70 percent of applicants were denied assistance due

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1 to title documentation.

2 Again, these were predominantly Latino,
3 farm workers who, again, had informal documentation
4 and were denied. In all cases, FEMA was aware that
5 the issue was as simple as having alternative
6 documentation but chose instead to deny households.

7 And again, in Puerto Rico, 77,000
8 households were denied for that reason. FEMA has
9 made improvements very recently and they're important
10 improvements. They do nothing to help all those
11 households that have already been denied. And
12 especially in the case of Puerto Rico and the more
13 recent disasters, FEMA should be required to reopen
14 those cases, allow those applicants to reapply, and
15 receive the assistance they're entitled to.

16 COMMISSIONER ADEGBILE: One
17 clarification on that point. Does the requirement of
18 showing title exist in the law?

19 MS. YENTEL: Actually, by FEMA's own
20 rules, FEMA is allowed to use alternate
21 documentation, but they refuse to do so again and
22 again.

23 COMMISSIONER ADEGBILE: So, it's a
24 practice. In a sense, it's a practice that's being

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1 used that is having discriminatory impact over and
2 over again in a disaster region after disaster region
3 is what you're telling us.

4 MS. YENTEL: Exactly. Right.

5 COMMISSIONER ADEGBILE: Thank you.

6 MS. CRUZ: One very specific example.
7 Once they got over FEMA calling beef jerky an entrée,
8 if you look at the box, it said entrée and it was a
9 beef jerky. Then they went to military ration food.
10 The instructions to that were in English. And in a
11 lot of cases people would burn themselves because if
12 you didn't know what you were doing, you could burn
13 yourself.

14 So, one of the things that I've said in
15 my recommendations is that I suggested to FEMA many
16 times, with no avail, that we can deputize municipal
17 employees. We can train municipal employees and all
18 78 municipalities. Not all of them are going to be
19 able to work in a disaster like this, which I hope in
20 my lifetime I never get to see again, but FEMA can
21 deputize them and then they would have access
22 immediately to thousands of people that speak
23 Spanish, that know the culture and that can help them
24 navigate within.

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1 That would be a very easy way to ensure
2 that we have the appropriate amount of people and
3 make sure that the intellectual property of those
4 processes stays in Puerto Rico.

5 COMMISSIONER YAKI: I yield to
6 Commissioner Kladney.

7 CHAIRWOMAN CANTÚ: Commissioner?

8 COMMISSIONER KLADNEY: Thank you, Madam
9 Chair. We've talked about a lot of different
10 problems. Is there one location where you can talk
11 about the solutions in preparation for the next type
12 of disaster? In other words, is there a list of
13 solutions that you propose to assist the Puerto
14 Ricans in the face of another disaster?

15 MS. MIRANDA: Yes. A resounding absolute
16 yes, bold, underscore. There's a lot of things that
17 can be done.

18 COMMISSIONER KLADNEY: Were you provided
19 the tools?

20 MS. MIRANDA: Yes. I can -- do you want
21 me to read them now?

22 COMMISSIONER KLADNEY: We only have a few
23 more minutes for questions.

24 MS. MIRANDA: I'm going to give you

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1 three. But I think that the first one would be to
2 decentralize recovery funds to ensure a more
3 expeditious, equitable, and just recovery. Puerto
4 Rico is heavily centralized and there's some
5 metrocentric approach that impedes access to those.
6 So, I think that would be one.

7 I think that the other one that I will
8 highlight would be to reduce the risk of disaster
9 recovery spending at the local level through the
10 allocation of funding to increase the capacity of
11 municipalities. I agree with what the mayor is saying
12 that municipalities should be seen as a great
13 resource that we have. They are the first responders.
14 So, we can submit our -- you have our written
15 statements. So, our recommendations are there. But
16 I think decentralization would be the central thing
17 that should be done.

18 COMMISSIONER KLADNEY: I'm quite
19 interested in the response to disabled people. And
20 yesterday we went to a couple of communities, just
21 maybe half an hour away, which could be very far away
22 if the roads are blocked. And I think director
23 Padilla Ruiz spoke about a list of disabled people.
24 Is there any inventory taken as to how you can assist

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1 disabled people in these communities outside of San
2 Juan and were they assisted in San Juan at the one
3 shelter? Was there any actual assistance provided
4 that could save their lives?

5 MS. CRUZ: Yes, Commissioner. The
6 Municipality of San Juan ran seven shelters, the
7 largest shelter in Puerto Rico was Coliseo Roberto
8 Clemente. We had about 850 people, 200 employees
9 that remained there to sustain all of the other
10 operations. We produced between 5,500 and 6,000
11 meals a day to provide to everybody. But every
12 shelter had an emergency unit, as emergency as it
13 could be, we could deal with everything except
14 "sutura" -- suturing, major suture. We had our
15 ambulances and then we could send them to the
16 municipal hospital which is very close by.

17 But one of one of the things that we did
18 is we relied a lot in the community, organizations,
19 nongovernmental organizations. And you can go to
20 Clarita right now, they have the first Center for
21 Citizenship Transformation. And they had, which was
22 done after Hurricane María, but we had already been
23 working with her leadership of all political parties,
24 I don't even know which party they belong to, and

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1 they had a list, row by row, street by street of the
2 health conditions of each one of the people.

3 COMMISSIONER KLADNEY: And that was in
4 San Juan.

5 MS. CRUZ: That was in San Juan.

6 But I know the same thing happened in
7 communities in Comerío, in communities in Loíza, in
8 Río Grande, San Sebastián, where the mayor was very
9 active and in fact San Sebastián was the first
10 municipality that with their volunteers and municipal
11 employees, put their electrical grid to work, not
12 waiting for PREPA at the time or the central
13 government.

14 So, there were some efforts at the
15 municipal level and by nongovernmental organizations.
16 It depends on the municipality, how tight you are
17 with them, and how the information is. We knew at
18 the Municipality of San Juan of four people that on
19 any situation we called because they needed oxygen
20 and machinery to keep.

21 COMMISSIONER KLADNEY: Right.

22 MS. CRUZ: So, we would call them up,
23 pick them up, take them to the hospital and keep them
24 there to make sure that they were taken care of. But

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1 that could be done at a national Puerto Rican level
2 in a more structured way. But I would put the weight
3 on the nongovernmental organizations and the
4 municipalities to support whatever the central
5 government can provide.

6 MS. MIRANDA: Can I can I add? And we
7 got connected through Hispanic Federation. But there
8 is -- La Liga is partnering with Three Plus Connect
9 to develop an app that will allow us not only to close
10 the gap between the disaster and the needs that the
11 community needs. And what we ask the team, and I
12 don't know if anybody is going to talk about this,
13 but one of the things that we asked was let's not
14 only think about how do we disburse the goods that
15 are coming, the commodities, but how can we have an
16 assessment -- like a community census per community,
17 per municipality, where we could have the data and we
18 can have like a continuous community survey that
19 would be done every year to identify the need.

20 So, that's something that we're working
21 on right now with this organization. But as you know
22 that takes money, so there has to be political will
23 from the central government to understand that a tool
24 like this that is managed by an organization in

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1 collaboration with other nonprofit groups and in
2 collaboration with municipalities is something that
3 should be an investment. Recovery is more than
4 buildings, is systemic change. So, we're advocating
5 for that as well.

6 COMMISSIONER KLADNEY: Do you believe
7 that there were any extraordinary delays in receiving
8 funding that you've mentioned because of
9 discrimination? Do you have any evidence of that?

10 MS. GOSSETT: We can provide some from
11 some of the investigations that have been looked at
12 into, again, how the Trump administration
13 particularly put some -- many of the things that were
14 mentioned that were barriers, we can look to those
15 and assume that those unique barriers that were
16 forced on Puerto Rico were probably done
17 intentionally with an effort to prevent funding from
18 getting to Puerto Rico that created delays. And
19 whether there was an explicit line that says, "We're
20 doing this to delay it"? No. Was that something
21 that can be understood by many of the decisions that
22 were made that you could assume that they were going
23 to cost delays? I think so.

24 And so, if we collect a lot of what has

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1 been said here today, we'll see that those decisions
2 that were made and applied uniquely to Puerto Rico,
3 those administrative barriers, that moving of the
4 goalpost constantly seemed to have been intentional
5 interference. And we've seen along the way, not just
6 with FEMA, but with other funding that has come to
7 Puerto Rico, through the Department of Education,
8 through HUD, and others.

9 MR. MARXUACH: I have looked at the HUD
10 funding specifically. And if you read the report
11 from the office of the Inspector General that came
12 out in April, it's very clear that they were playing
13 some sort of game with Puerto Rico. I mean, it is
14 very hard to pinpoint a specific individual and say,
15 "This person specifically wanted to discriminate
16 against Puerto Rico." But the language that was used
17 by former HUD officials that agreed to be interviewed
18 by the Inspector General I think is very clear.

19 I mean, they mentioned things like poison
20 pills. They were concerned about whether some of the
21 things OMB was requiring were even legal inside HUD,
22 they were questioning that. Also, the submission to
23 review by OIRA is unheard of in the case of disaster
24 relief and those funds were subjected to that

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1 additional review. So, if you look at the totality
2 of the circumstances, at least to that 8.3-billion-
3 dollar tranche for mitigation activities, I think
4 it's very clear that the intent was to delay as much
5 as possible, the disbursements of those funds to
6 Puerto Rico.

7 COMMISSIONER KLADNEY: Thank you very
8 much.

9 COMMISSIONER YAKI: Can I just follow up
10 really quickly?

11 Has anyone done any look -- you talked
12 earlier a lot about how all these contracts are going
13 to the mainland and not going locally? FEMA doesn't
14 look to see were those contracts going to white
15 majority firms versus the fact that -- if they were
16 to do local contracts here, they would, just by sheer
17 numbers, be going to black and brown owned firms.

18 MR. MARXUACH: We put out a dashboard of
19 some of my colleagues at the Center for New Economy,
20 which Ms. Gossett Navarro mentioned, but
21 unfortunately, we couldn't get that level of detail.
22 We did identify though that over 90 percent of the
23 contracting money was going to mainland firms, but we
24 really couldn't get the granularity that you are

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1 asking for. And perhaps that's something that could
2 be changed in the system going to the future, to
3 request that that data be produced so the analysis
4 can be done by independent observers.

5 MS. MIRANDA: I do want to add this report
6 that was published by Sembrando Sentido. It's
7 included in our statement. But what they studied was
8 CDBD-DR. And what's important to understand is that
9 there's also a narrative in Puerto Rico by our central
10 government that says that there's no capacity in
11 Puerto Rico. We were really not ready to manage what
12 happened with Maria. That's the reality.

13 But the fact that we kept on signing
14 contracts with outside consulting companies that have
15 no cultural competence, that they don't manage the
16 language, and then they will come to Puerto Rico, and
17 they hire Puerto Ricans to do the job, is something
18 that's really concerning for us. And one of the
19 things that's concerning for us is that there is no
20 knowledge transfer.

21 This is resiliency as an example, if we
22 want systemic change, we have to hire companies in
23 Puerto Rico and build the workforce development and
24 we have to make sure that we have the capacity to

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1 withstand whatever comes our way. So, that report is
2 included and mentioned. But it's not for FEMA, it's
3 CDBG-DR.

4 COMMISSIONER YAKI: And just one little
5 thing. I wonder if you would agree with what I think
6 I've been hearing, which is that decentralizing aid,
7 using more the municipalities or community-based
8 organizations, could have the impact of addressing
9 issues of language, cultural competency, knowledge of
10 the disability community, persons in the different
11 communities, an immediate response, do you agree or
12 disagree?

13 MS. CRUZ: Definitely agree. That is the
14 way it should go, and that is the way that it happens
15 in some U.S. jurisdictions.

16 And if I may, Mr. Kladney, just one
17 quote.

18 When asked why it took so long for FEMA
19 to get things to Puerto Rico, this is a direct quote
20 from the then president of the United States.
21 "Because they're an island surrounded by water. Lots
22 and lots of water, ocean water." So, when the head is
23 not screwed on right, the rest of the body doesn't
24 work.

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1 CHAIRWOMAN CANTÚ: I'm going to check in
2 with Commissioner Gilchrist before we close today's
3 first panel. If there's any additional information or
4 an additional comment, please.

5 COMMISSIONER GILCHRIST: Just want to
6 thank the panelists for their remarks today. They
7 were interesting remarks and I appreciate their time
8 today. I also appreciate the Commission having a way
9 for those that were unable to be with you today to
10 chime in. So, again, thank you for your comments
11 today and thank you, Madam Chair, for allowing me to
12 make those remarks.

13 CHAIRWOMAN CANTÚ: Thank you,
14 Commissioner.

15 With that, I do appreciate that everybody
16 got started, almost exactly perfectly on time. And
17 I also want to let you know we're going to be taking
18 a 10- minute break. Do not go far away because we
19 will start on time. Thank you.

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PANEL 2

1
2 CHAIRWOMAN CANTÚ: Welcome back. I will
3 now briefly introduce the panelists in the order in
4 which they will speak for our second panel. Our first
5 speaker is Ariadna Michelle Godreau Aubert, executive
6 director, Ayuda Legal Puerto Rico. Our second
7 speaker is Tania Rosario Méndez, executive director,
8 Taller Salud. Our third speaker is Ruth Santiago,
9 Esq., Comité Diálogo Ambiental, Committee Dialogue on
10 the Environment.

11 Our fourth speaker is Carla Minet,
12 executive director, Centro de Periodismo
13 Investigativo, the Center for Investigative
14 Journalism. Our fifth speaker is Yarimar Bonilla,
15 director, Center for Puerto Rican studies. Our sixth
16 and final speaker for panel two is Amaris Torres
17 Rivera, executive director, Fundación Fondo de Acceso
18 a la Justicia, Access to Justice Foundation. Ms.
19 Godreau Aubert, you are first up. Please proceed.

20 MS. GODREAU: Distinguished member of the
21 Commission, thank you for your invitation to present
22 this testimony.

23 Civil rights in Puerto Rico have been in
24 peril for long, a situation worsened by austerity,

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1 inequality, unsustainable public debt, and
2 colonialism. Disasters have brought us closer to a
3 social and economic crisis that threatens the
4 possibility of a future in Puerto Rico. Eleven
5 percent of the population has left in a decade.
6 Reliving Hurricane María and its impact is a
7 conscious attempt to transform neglected collective
8 pain into an actual just recovery.

9 Because we are a colony, federal and
10 local governments share the responsibility to
11 guarantee civil and human rights and to lead
12 survivors to resiliency. We need disaster assistance
13 to arrive quickly, ensuring accessibility to shelters
14 and aid, compliance with civil rights standards. We
15 need coherent planning, equitable access to funds,
16 displacement minimization guarantees, and real and
17 effective participation. Recovery programs should
18 never be a blind bet on random and possible outcomes,
19 but a strategized road towards a long-term
20 sustainable recovery. Crisis do not affect all
21 people equally. Unattended emergencies have
22 accumulative effect on the rights of historically
23 marginalized groups.

24 Inexistent and flood recovery statistics

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1 and systemic racism allow discrimination against
2 women, black, and elders through their recovery
3 process in Puerto Rico to remain unaccounted for.
4 Our experience at Ayuda Legal Puerto Rico, leading
5 disaster legal aid and advocacy post-María, and
6 accompanying thousands of families throughout the
7 island, signaled to an unequivocal disparate impact
8 on these groups. Nearly 58 percent of FEMA
9 applications and 75 percent of the appeals were
10 denied. Two-thirds of the families that received
11 assistance to repair their homes received awards of
12 less than \$3,000, according to the Puerto Rico
13 Comptroller. Between 43 percent and 80 percent of
14 the works commissioned by the FEMA STEP program, Tu
15 Hogar Renace, were left unfinished.

16 On February 2018, the Government of
17 Puerto Rico was allocated \$20 billion in CDBG-DR
18 funds. Families who were not able to access FEMA,
19 who were turned down or neglected by Tu Hogar Renace,
20 applied to DR Housing programs. Between July 2019
21 and January 2020, 27,000 families applied. As of
22 today, only 1,500 hundred homes have been repaired
23 and less than 300 houses have been rebuilt. In
24 February 2020, it was estimated that between 15,000

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1 and 18,000 families were still living under blue
2 tarps.

3 First response was characterized by abuse
4 of force, deficient nutritional boxes, a delay in the
5 establishment of disaster relief centers, officials
6 who spoke only in English, and the militarization of
7 response. The local government, otherwise absent,
8 implemented a curfew that was senseless, considering
9 that it was people who assumed the first response.

10 A few days into the curfew, a black man
11 was killed by the police in a clear show of force.
12 Despite the major power outage that lasted for long
13 months and its impact in communications, FEMA
14 insisted on having disaster applications filed
15 through hotlines or internet platforms. Lack of
16 transportation and access to justice increased the
17 vulnerability of low income of elders, of families
18 with kids, and survivors with mobility challenges who
19 could not reach the DRC to present their
20 applications.

21 Ayuda Legal Puerto Rico went to
22 communities, interviewed affected individuals,
23 traveled back to areas with internet access, uploaded
24 thousands of applications, and later returned to the

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1 communities to hand down registration numbers so that
2 those people could have a chance. Half of the
3 population of Puerto Rico lacks a formal title.
4 Nothing in Puerto Rico laws or FEMA's regulations
5 require owners to register their properties, yet
6 FEMA's incorrect interpretation of "owner" excluded
7 thousands of families from receiving housing
8 assistance.

9 At Ayuda Legal, we researched, we
10 created, we drafted a sworn statement to serve as the
11 alternative proof of title, and, with other
12 advocates, we fought FEMA to stop them from barring
13 assistance to families with informal titles. In the
14 end, in June 2018, we won, but it was already too
15 late. FEMA's reluctance to notify applicants about
16 their right to appeal and to use this form, placed on
17 the backs of non-profits the responsibility to let
18 applicants know about this chance.

19 Thousands of families lost the
20 possibility of receiving assistance. This form
21 recently became part of the new FEMA guidelines.
22 While we celebrate the impact that this will have on
23 other survivors in other jurisdictions of the U.S.,
24 we condemn that this will not have a retroactive

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1 effect for Puerto Rico, so that applicants that were
2 unfairly denied assistance could have the possibility
3 of finally repairing their homes.

4 Moreover, and recently, FEMA's
5 recoument processes has become an actual concern for
6 survivors who are still awaiting a safe dwelling.
7 Lack of formal documentation responds to social
8 economic elements such as lack of access to justice,
9 insecurity of tenure, and land rescues grounded on
10 unmet housing needs. Moreover, informal titles
11 respond to a system grounded on racial oppression,
12 slavery, redlining, predatory lending practices,
13 which historically forbade black people from owning
14 land. Lack of clear ownership eligibility criteria
15 has also been an obstacle for black and people of
16 color in the U.S.

17 FEMA and other disaster recovery funds
18 should abide by policies that promote access. It is
19 our position that individual legal strategies are not
20 a real solution for the title issue nor is the federal
21 imposition of real property regulatory system amidst
22 disasters. Addressing informal titles in Puerto Rico
23 requires a structural policy change at a local level
24 that cannot be discussed and/or solved in an

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1 emergency situation.

2 Although I don't have more time for this
3 brief initial comment, I wanted to stress that first
4 response application processes and eligibility
5 criteria sets the ground for equitable and just
6 recovery. Addressing civil rights protection
7 requires revising how these instances comply with
8 principles of nondiscrimination, accountability, and
9 participation.

10 And also the fact that we are here before
11 this Commission because we truly believe that we are
12 in a moment where we can elaborate clear cross cutting
13 guidelines and with practices to respect, protect,
14 and promote the civil rights of people amidst
15 disasters even of those people who are still living
16 in a colony. Thank you very much.

17 CHAIRWOMAN CANTÚ: Even though we had a
18 malfunction on our timing, you were 10 seconds early,
19 so "te lo felicito." That's wonderful.

20 Our next speaker is Ms. Santiago. No.
21 It's Méndez. Please bear with me, I'm
22 malfunctioning. Please proceed, thank you.

23 MS. MÉNDEZ: Thank you, chairwoman -- and
24 all members of the Commission for this opportunity to

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1 speak about FEMA's role in disaster preparedness and
2 response to Hurricane María in Puerto Rico.

3 For more than 40 years, Taller Salud has
4 addressed health disparities that often are rooted in
5 social, racial, and economic inequalities. The
6 following statement is based on expertise, first-hand
7 experience, and data driven insights. "In the
8 aftermath of Hurricane María, Puerto Rico was on its
9 own with limited capacity and resources to guarantee
10 subsistence needs and social protection."

11 It should be recalled that a major
12 disaster declaration was signed by former president
13 Donald Trump, but a sense of urgency and commitment
14 to robust actions was missing. After days without
15 assistance, it became evident that the emergency
16 situation was evolving into a major humanitarian
17 crisis. There was no electricity, no food, no water,
18 no cell phone service or internet. Our entire
19 infrastructure had collapsed, and our most vulnerable
20 people were left to die in their homes. I want to be
21 very clear, federal preparedness and response to
22 Hurricane María was at best mediocre, and at worst
23 genocidal.

24 Before this body, Taller Salud would like

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1 to denounce FEMA's lack of planning and coordination
2 coupled with discriminatory practices that cost
3 thousands of lives in Puerto Rico. In Loíza, a town
4 that is majority black and majority women, 53 percent
5 of people live under the poverty line. Gender
6 inequality manifests itself in a variety of ways,
7 including poverty and lack of economic access, lack
8 of housing, underemployment, lack of support system,
9 and a high rate of gender-based violence. When
10 emergency strikes, women are always at the forefront
11 of recovery and rebuilding, but they also bear the
12 brunt of calamity and are the most vulnerable at the
13 hands of austerity, physical abuse, institutional
14 violence, and lack of access to proper health care,
15 and safe housing.

16 After the storm, five of the seven
17 domestic violence shelters in Puerto Rico had to
18 close due to infrastructure damage, lack of
19 electricity, and absence of support by the central
20 government. Because police officers were acting
21 mostly as traffic and supply guards, women were
22 unable to denounce violent situations and were forced
23 to stay in dangerous environments. Local news
24 reports have counted seven women murdered by partners

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1 or ex-partners during the aftermath of the
2 catastrophe. But to this day, the Puerto Rico Women's
3 Advocate Office has not assessed nor published
4 validated data regarding violence against women after
5 Hurricane María. All of this constitutes a violation
6 of women's rights.

7 The decisions made by FEMA in the first
8 30 days after the hurricane had consequences we are
9 still dealing with four years after the storm made
10 landfall. According to 2020 census data, Loíza has
11 experienced a 21 percent reduction in its population.
12 That's a 13 percent increase from the American
13 Community Service 2017 estimate. This displacement
14 has in part happened as a direct result of FEMA's
15 inability or unwillingness to expedite the relief aid
16 process. More than 3,000 homes in Loíza were left
17 without roofs or so severely damaged that were
18 rendered unsafe to live in. Yet FEMA has repeatedly
19 rejected federal assistance requests from residents
20 because of regulatory requirements that aren't
21 tailored to the geographic and social realities of
22 Puerto Rico.

23 In 2018, FEMA published flood mapping
24 declaring 95 percent of Loíza in a flood zone, making

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1 it impossible for our communities to rebuild post-
2 emergency as FEMA requires flood insurance in order
3 to reimburse for damages. Yet those same lands can
4 be swiftly picked up by private capital contributing
5 to gentrification, resource depletion, and even more
6 displacement down the line. This bureaucratic chain
7 is not only deficient, but it is downright cruel and
8 discriminatory.

9 However, the immediate needs in Loíza
10 were met with an immediate response from the
11 community. Women specifically organized themselves,
12 surveyed the destruction and quickly got to work to
13 ensure the safety and well-being of those around
14 them. They rolled up their sleeves and set up
15 community kitchens across Loíza to cook for hundreds
16 of people.

17 Our approach to human rights and the
18 facilitation of participatory processes within and
19 outside of our community allowed us to promptly
20 address the magnitude of the needs and to evaluate
21 the necessary adjustments to the best of our
22 abilities. We did community censuses around town to
23 better understand the urgent needs of women, men,
24 children, senior citizens, and people with

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1 disabilities. After all, nobody knows communities
2 better than community members themselves.

3 The Puerto Rican diaspora was vocal about
4 the human rights violations occurring on the island,
5 and with the help of hundreds of volunteers, we got
6 aid where it belonged, in people's hands and homes.
7 Undeniably, since 2017, Puerto Rico's history has
8 been divided into chapters before and after María.
9 The atrocities witnessed after this tragedy serve as
10 a reminder of our colonial status and the severe
11 impact it has on the lives of Puerto Ricans on the
12 island and across the globe. One thing is crystal
13 clear to us. When the government doesn't do its job,
14 people lose their lives.

15 Since September 2017, inequities have
16 harshened, personal and professional opportunities
17 are now much more fleeting. Social and well-being
18 programs are even more deficient and lacking. Our
19 communities and younger generations face the choice
20 of leaving their hometowns at a rate much higher than
21 before. Without a doubt, COVID-19 has exacerbated
22 these circumstances, but the beatings our island took
23 from the hurricane winds do not compare to the
24 governmental abuse our people face immediately after

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1 and to this day.

2 It is imperative that the government
3 learn from Taller Salud's feminist strategy and
4 listens to community-led coalitions as it develops
5 disaster preparedness and recovery plans. Our work
6 demonstrates the power of community resilience and
7 the importance of feminism as a principal in disaster
8 relief. Long-term recovery efforts require investing
9 in the women leaders in the communities.

10 That's the way forward, alongside our
11 communities with our women on the front lines
12 prioritizing the collective, centering the voices of
13 those most affected by the issues, looking for
14 solutions and answers within our peoples, not
15 without. The solution has always been and will always
16 be collective. Thank you.

17 CHAIRWOMAN CANTÚ: Thank you, Ms. Méndez.

18 We will now hear from Ms. Santiago.

19 MS. SANTIAGO: Good morning, Chair Cantú
20 and members of the Commission. I appreciate the
21 opportunity to testify on the civil rights
22 implications of the federal response to the impacts
23 of Hurricane María in Puerto Rico. This
24 testimony focuses on the multiple efforts that

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1 numerous community and environmental groups have
2 made to provide input to FEMA and other government
3 agencies on the necessary transformation of the
4 Puerto Rico electric system to address the
5 disproportionate burdens that centralized fossil-
6 fired, import-dependent energy generation exerts on
7 poor and majority Afro-descendant communities in
8 municipalities of Salinas, Guayama, Peñuelas,
9 Guayanilla, and other municipalities in Puerto Rico
10 where electric infrastructure is located. And the
11 purpose of the testimony also is to highlight civil
12 society proposals to achieve environmental and
13 climate justice. There's more detail in the written
14 testimony.

15 More than four years after Hurricane
16 María, a cursory view of the electric system casts a
17 disappointing and potentially lethal tally. After
18 the hurricane, the centralized grid with its poles,
19 towers, wires, and substations largely running from
20 the big fossil-fired plants in southern Puerto Rico
21 through the central mountain range to the north --
22 especially to the San Juan metropolitan area -- was
23 stood up amid scandals of companies like Whitefish
24 and Cobra profiting handsomely from dubious work.

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1 Another company, New Fortress Energy,
2 built an LNG terminal to import highly volatile
3 methane gas that is frequently inoperable and was
4 constructed without the necessary authorization from
5 the Federal Regulatory Energy Commission --- I'm
6 sorry, from the Federal Energy Regulatory Commission
7 or an environmental justice analysis of how nearby
8 communities would be impacted by this new threat.

9 The Punta Lima Wind Farm was blown away
10 by the hurricane as was a utility scale land-based
11 solar array near where the storm made landfall. The
12 AES coal-fired power plant in Guayama continues to
13 spew toxins, contaminate the South Coast aquifer, and
14 adversely impact the largely Afro-descendant
15 population. The new grid operator, a joint venture
16 created by Quanta Services and ATCO Canadian
17 Utilities called LUMA Energy is lobbying to rebuild
18 the existing centralized fossil enabling energy grid
19 with a historic amount of FEMA and other federal funds
20 that perpetuates disproportionate impacts and
21 environmental injustice.

22 The Governor of Puerto Rico, while paying
23 lip service to renewable energy, continues to push
24 for the reconstruction of the 20th century system

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1 that overburdens nearby communities and has failed
2 after each hurricane in the past 30 years. Governor
3 Pierluisi, who took power with barely 32 percent of
4 the vote, is asking FEMA to hand over 9.6 billion to
5 rebuild the centralized transmission and distribution
6 grid and add new methane gas fired power plants, and
7 not one penny for renewables. In 2005, Congress
8 determined that rebuilding these lines over and over
9 was not a cost-effective strategy, and I cite,
10 "Electric power transmission and distribution lines
11 in insular areas, including Puerto Rico, are
12 inadequate to withstand damage caused by the
13 hurricanes and typhoons."

14 In contrast, civil society proposals put
15 forward by community, environmental, labor, and
16 professional organizations, academia and religious
17 congregations are calling on FEMA and PREPA -- the
18 Puerto Rico Electric Power Authority -- to invest
19 the historic amount of funds to provide lifesaving
20 distributed renewable energy -- primarily on-site or
21 rooftop solar and battery energy storage systems --
22 to enable Puerto Rican residents, businesses, and
23 institutions access to resilient power as set out in
24 the We Want Sun, "Queremos Sol," proposal.

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1 The proposed transformation of the
2 electric system would alleviate the load on poor and
3 largely Afro-descendant communities that are
4 overburdened by the centralized fossil-fired electric
5 system in Salinas, Guayama, Peñuelas, Guayanilla, and
6 parts of the San Juan metro area.

7 But Puerto Rico civil society proposals,
8 thus far, have fallen on deaf ears. The EPA Title 6
9 implementing regulations barred disproportionate
10 impact in addition to intentional discrimination. In
11 the administration of environmental programs such as
12 siting and enforcement, we ask this Commission to
13 urge the federal government to earmark the historic
14 amount of FEMA funds for on-site and rooftop solar
15 and battery energy systems and similar alternatives
16 to alleviate the burden of poor and largely Afro-
17 descendant communities close to the fossil-fired
18 plants.

19 We urge the Commission to investigate the
20 LUMA contract and the role of the Fiscal Oversight
21 and Management Board in its imposition of the LUMA
22 contract and in the electric crisis that we are
23 experiencing. The use of the historic amount of FEMA
24 funds allocated for the electric system will

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1 determine the viability of Puerto Rico for
2 generations to come and could be instrumental in
3 achieving environmental and climate justice in the
4 archipelago.

5 And so, you see, in terms of the electric
6 system, the request here is prospective. It's
7 because the FEMA funding is still pending, there has
8 not been a decision by the federal government, there
9 is still time for this Commission and others to weigh
10 in and influence the decision and have the
11 Biden/Harris administration fulfill its promises and
12 its commitments in, for example, Executive Order
13 14008, that require tackling the climate crisis and
14 also centering environmental justice so that the
15 communities near the plants that, as I mentioned,
16 are largely Afro-descendant communities, are not
17 overburdened by or continue to be overburdened by
18 fossil fuel generation. Thank you.

19 CHAIRWOMAN CANTÚ: Thank you very much,
20 Ms. Santiago.

21 We're now going to hear from Ms. Minet.
22 Please proceed.

23 MS. MINET: Good morning. I value the
24 opportunity to talk in this public briefing for the

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1 U.S. Commission on Civil Rights on the Civil Rights
2 Implications of Disaster Relief: Hurricane María in
3 Puerto Rico. I hope that this becomes a productive
4 forum in which we are not only heard, but that can be
5 linked to solutions to the problems and injustices
6 that are brought to your attention.

7 My name is Carla Minet. I am the
8 executive director of Centro de Periodismo
9 Investigativo, the Center for Investigative
10 Journalism, or CPI in Spanish. The CPI is a non-
11 profit organization celebrating 15 years of doing
12 incisive investigative journalism, training
13 journalists in Puerto Rico and the Caribbean, and
14 doing litigation for access to public records. We
15 have a team of five members, five journalists that
16 have been devoted permanently for the past four years
17 to investigating the recovery process after
18 Hurricanes Irma and María.

19 Given the time limits and that our
20 reporting for the past four years is available on the
21 internet and accounts for many civil rights
22 violations, I will focus today on very specific
23 backstage events that may give you an insight of the
24 challenges we have faced as journalists while

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1 investigating the recovery process that show systemic
2 problems we face given our colonial relationship with
3 the U.S.

4 In June 2020, the Health Department of
5 Puerto Rico said to the CPI that it handed over to
6 the local Emergency Management Agency information
7 about the number of electricity dependent persons in
8 each municipality that comes from the federal
9 database called Empower Map, so that it was given to
10 the mayors of these municipalities. But the
11 information shared did not include the names of the
12 patients or their addresses because, allegedly, this
13 information should be handed after the disaster
14 because of an MOA to protect private information,
15 Health Department said to CPI.

16 This is a huge contradiction with the
17 logic of preparedness and anticipating tragedies and
18 deaths, and like all protocols suggest moving people
19 that are dependent from electricity before a category
20 five hurricane hits.

21 CHAIRWOMAN CANTÚ: Ms. Minet, could you
22 pull the mask up a little bit?

23 MS. MINET: Up --- oh, I'm sorry.

24 In trying to understand how this

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1 information was gathered by the Federal Empowerment
2 Program, CPI journalist Eleva Martínez submitted a
3 Freedom of Information request to HHS on June 2, 2021,
4 including emails and letters in which the Empower
5 Program communicated to officials of the government
6 of Puerto Rico regarding the Empower Map platform;
7 dates of training events, and the names of Puerto
8 Rican public official participants; dates in which
9 the Empower Map team supported the Puerto Rico
10 Department of Health with situational awareness and
11 IT tools to identify electricity dependent
12 populations; and action reports and the corrective
13 action improvement plans for the program in Puerto
14 Rico and the U.S. Virgin Islands since January 2017
15 up to the production date.

16 HHS has denied our request for expedited
17 processing even though we are a press entity and
18 qualified and we were in the middle of the hurricane
19 season, which established the urgency. And until now,
20 HHS has not handed the information we requested,
21 violating all due process that is supposedly
22 guaranteed by FOIA.

23 In a separate effort, we filed another
24 FOIA request to the Department of Homeland Security,

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1 FEMA, dated February 26, 2021. We had interviewed
2 several FEMA employees at the Puerto Rico Recovery
3 office that had presented complaints regarding work
4 harassment and had said that nothing happened with
5 their superiors. In the FOIA, we were seeking
6 all the available disaggregated data presented in the
7 quarterly public report on complaints, notifications
8 about labor discrimination in FEMA for years 2015 to
9 2021, including the data on the origin of these
10 complaints broken down by FEMA region, state, and
11 territory. The information request was denied because
12 no responsive data was located. OER does not track
13 complaints this way, therefore does not maintain such
14 records.

15 A few months later, an audit by the
16 Department of Homeland Security Office of the
17 Inspector General analyzed 305 complaints about
18 sexual harassment. By evaluating 7,000 internal FEMA
19 documents dated 2012 through 2018, it found that FEMA
20 did not always adequately report and investigate
21 internal allegations of sexual misconduct, including
22 sexual assault, unwelcome sexual advances, and sexual
23 comments in its operation in the United States and
24 its territory. This information they used for this

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1 audit is exactly the kind of information we asked for
2 with the FOIA.

3 We persisted and filed another FOIA in
4 October 2021 requesting a breakdown of the places of
5 origin of the 3,005 complaints identified in the OIG
6 audit. Still, no response. In Puerto Rico we have a
7 constitutional right of access to information. Even
8 though it is far from being perfect, CPI goes to court
9 to file these kinds of petitions I just described,
10 and we usually get the information within weeks or
11 months.

12 In my view and experience, the problems
13 of getting information through FOIA are a real and
14 constant obstacle to our accountability reporting
15 regarding the recovery process. I've been to
16 conferences and workshops about FOIA in the U.S. and
17 I don't hear these stories from U.S. mainland
18 journalists. I have --- I will jump in.

19 Last but not least important, as you
20 might know, for the first time FEMA has applied to an
21 entire jurisdiction, Puerto Rico, a provision of the
22 Stafford Act on disaster and emergency assistance
23 that was included as an amendment after Hurricane
24 Sandy in 2013. Since then, it had only been applied

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1 to develop 258 projects in 28 states.

2 It was imposed on Puerto Rico government
3 officials by the Trump administration as our
4 reporter, Cristina del Mar Quiles, revealed a few
5 months ago. Section 428 allows for reconstruction in
6 a stronger and more resilient manner, but Section 428
7 states that if the cost increase after estimates are
8 approved, municipal governments are responsible for
9 the extra expenses incurred. In those cases, FEMA
10 will not disburse additional funds. This has become
11 a huge bump in the road, as some mayors have confirmed
12 to CPI.

13 Our request for interviews to agencies
14 like FEMA and HHS take weeks or more to be granted,
15 when granted, or we get generic and unclear
16 responses. We inquire about this issue. This is not
17 a wailing wall. It is a brief selection of the
18 challenges we have faced during accountability
19 reporting in the past years and shows, in my view,
20 the lack of empathy, the absence of urgency, and in
21 many cases, an absolute disregard by federal agencies
22 for Puerto Rican issues. Thank you.

23 CHAIRWOMAN CANTÚ: Thank you very much,
24 Ms. Santiago -- Ms. Minet.

1 Next, we will hear from Dr. Bonilla.
2 Please proceed.

3 DR. BONILLA: Hello. On behalf of Centro,
4 the Center for Puerto Rican Studies at Hunter
5 College, I thank you for the opportunity to present
6 oral testimony at today's hearing. We will be
7 submitting our written statement digitally following
8 today's procedures.

9 Centro is a research institute solely
10 dedicated to the study and interpretation of the
11 Puerto Rican experience. We did not work directly
12 with federal agencies in the management of disaster
13 aid, but we have been closely tracking the impact of
14 the storm and the challenges of recovery.

15 Since 2017, Centro has produced 13 data
16 reports and four annual assessments. We've documented
17 displacement after the storm, the housing crisis
18 provoked, and the impact of school closures. We also
19 organized major events in Puerto Rico and New York
20 and online oriented towards capacity building and the
21 formation of alliances across sectors.

22 Based on these activities, our main
23 recommendation is that it is imperative for FEMA to
24 adopt an intersectional approach to emergency

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1 management in Puerto Rico and beyond. This entails
2 paying closer attention to how various social and
3 demographic variables such as race, gender, age,
4 disability, and geographic location impact and
5 combine in ways that hamper both individual and
6 collective abilities to respond to disasters and
7 access federal aid. This also includes a necessary
8 recognition that inhabitants of U.S. territories face
9 particular barriers which require FEMA to develop
10 customized practices through local information
11 gathering such as the hearings today.

12 We would like to particularly highlight
13 the challenges faced by senior age populations and
14 disabled populations as well as those living in
15 particular geographic regions. In regards to seniors,
16 it is important to recognize that seniors face unique
17 vulnerability risk within Puerto Rico, including a
18 lack of family support networks due to adult children
19 not living in the same home or having migrated away
20 from Puerto Rico. They also have lower probability to
21 respond to disaster warnings due to lack of internet
22 access. There are also particular socioeconomic
23 characteristics regarding Puerto Rico's senior
24 population that are important to note.

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1 Please allow me to provide you with some
2 figures. In Puerto Rico, 22 percent of the population
3 is elderly, this is much higher than the U.S. average
4 of 16.5 percent. Forty percent of Puerto Rico seniors
5 live at or below the poverty line. This is again
6 disproportionately high, where in the 50 states the
7 poverty rate for seniors is only 9.4 percent overall
8 and 7.9 percent among Latinos. After Hurricane María,
9 at least one third of the senior age population
10 applied for aid.

11 By analyzing the data from FEMA
12 applications, we found that senior applicants had
13 disproportionately lower gross income levels relative
14 to the overall population. More than half of senior
15 age aid applicants reported less than \$15,000 as
16 their gross annual income. It should be noted that
17 since Hurricane María, the senior age population has
18 grown across municipalities. In other words, Puerto
19 Rico's population is becoming disproportionately
20 elderly, partly as a result of post-María
21 displacement.

22 Similar to seniors, people with
23 disabilities experience particular obstacles and
24 challenges in both the lead up and the aftermath of

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1 disasters and emergencies. Again, let me provide some
2 data points specific to Puerto Rico. Twenty-one
3 percent of our population is disabled. This is
4 significantly higher than the average for the 50
5 states, which is 12.7 percent. Half of Puerto Rico's
6 disabled population lives below the poverty line.
7 This is again statistically higher than the 50 states
8 where it is only 20 percent.

9 And these numbers have been increasing.
10 Since 2017, poverty rates for the disabled have
11 increased by 4.8 percent. Lastly, it is important to
12 note that Puerto Rico's disabled population is not
13 equally distributed geographically. Instead, there
14 are various pockets of disabled communities, mostly
15 in rural areas.

16 In our analysis of U.S. census data, we
17 found that there are areas where as much as 100
18 percent of the population reported a disability in
19 Puerto Rico. This is notably in the municipalities of
20 Yauco, Jayuya, and Orocovis, all of which are rural
21 areas.

22 Thus, I would like to end by calling
23 attention to the importance of geography. The impact
24 of Hurricane Maria was seen across the entirety of

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1 Puerto Rico. And yet, in our analysis, we found that
2 it was only in the San Juan area where the number of
3 aid applicants was proportionate to the population.
4 Numerous studies have attributed this to FEMA's
5 unfamiliarity with Puerto Rico's terrain beyond urban
6 centers.

7 It is worth noting that this is
8 particularly concerning given the spatial
9 concentrations of vulnerable communities in rural
10 areas, as noted above. By creating barriers to access
11 in rural areas, FEMA is also creating barriers for
12 the elderly, the disabled, and other socially
13 vulnerable populations.

14 Lastly, I want to call attention to how
15 living in a U.S. territory as opposed to a U.S. state
16 inherently creates disproportionate access to aid. As
17 numerous studies and previous panelists have argued,
18 the federal response in Puerto Rico was overall
19 slower and smaller in scale to what was seen after
20 Hurricanes Harvey and Irma in Texas and Florida
21 during the same period.

22 It places under the category of geography
23 because in previous legal proceedings other branches
24 of the federal government have argued that Puerto

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1 Ricans are not the victims of discrimination based on
2 race or ethnicity, given that when they migrate to
3 the 50 states, they have full access to the rights
4 and entitlements of U.S. citizens. However, it is
5 obvious that the residents of this U.S. territory are
6 disproportionately of Puerto Rican descent. And thus,
7 the lack of access to adequate aid in this particular
8 geography must be understood as a form of ethnic
9 discrimination rooted in the United States' colonial
10 history and imperial presence.

11 In closing, I urge federal, state, and
12 local agencies to adopt an intersectional approach to
13 questions of accessibility and to pay greater
14 attention to how residing in a U.S. territory
15 predisposes populations to experience barriers to
16 federal aid.

17 Indeed, I ask if this federal commission
18 gave enough attention to the particular challenges
19 involved in preparing testimony in English and in
20 educating the public about their right to testify and
21 attend these hearings in a context where civil
22 society is overtasked with filling the gaps of
23 ineffective government response to our ongoing
24 disasters, including not just hurricanes and

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1 earthquakes, but also the fiscal crisis and our
2 ongoing pandemic. Thank you.

3 CHAIRWOMAN CANTÚ: Thank you, Dr. Bonilla.

4 We will now hear from Ms. Torres Rivera.
5 Please proceed.

6 MS. TORRES: Good afternoon, thank you all
7 the Commission for the invitation to participate on
8 this public briefing, and I also want to recognize
9 the all-women panel that is right now at this public
10 briefing.

11 I am the executive director of the
12 Fundación Fondo de Acceso a la Justicia, or Access to
13 Justice Fund Foundation. It's a non-profit foundation
14 in Puerto Rico that provides funding to diverse non-
15 profit organizations to offer free legal services on
16 civil matters to low-income and vulnerable
17 communities. After Hurricanes Irma and María, our
18 foundation created a legal emergency fund with the
19 purpose of providing free legal assistance to
20 disaster survivors, particularly low-income
21 families, that were in imminent need of housing
22 assistance.

23 Currently, we have impacted 15,000
24 families in Puerto Rico. We subsidized over 20 non-

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1 profit organizations and employed over 65 attorneys
2 and notaries at law that worked in legal brigades
3 throughout the 78 municipalities of Puerto Rico
4 helping, specifically, with FEMA applications,
5 affidavits, and eventually, letters of appeal. What
6 we saw was that 65 percent of our participants were
7 women, 78 percent were elders, specifically over 60
8 years old.

9 But we wanted to highlight, because of -
10 - because we are a foundation that has to do with
11 legal services, we wanted to highlight specifically
12 what we encountered through our experience with our
13 legal projects. One of the significant discriminatory
14 practices that we saw from FEMA was the denial of
15 specifically 85,000 individual assistance
16 applications because of the alleged lack of home
17 ownership. To this day, we -- it is unclear why and
18 how so many cases were denied because of the reason
19 people were not able to prove ownership. And after
20 some legal evaluation from our projects, our
21 attorneys concluded that it was an arbitrary and
22 discriminatory decision-making process from FEMA.

23 During that time, our foundation
24 collaborated with attorneys from Texas, from Texas

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1 Access to Justice Foundation and other attorneys from
2 New Jersey, both having the experience of Hurricane
3 Harvey in Texas and Sandy in New Jersey, and I always
4 remember them telling me that in Puerto Rico they
5 were -- FEMA was requesting people so many documents,
6 and it was such a different process from Texas and
7 New Jersey, from what it is supposed to be the process
8 of requesting documents. Specifically, because the
9 Individual and Household Program Unified Guidance at
10 that time had a definition of ownership and
11 exceptions to document presentation that never
12 obligated for people to have a formal property title.

13 And I also wanted to highlight this
14 meeting in 2018 at the University of Puerto Rico Law
15 School where there were high level FEMA officials.
16 When I presented this issue about denials of land
17 tenure or property title, I remember they were
18 telling me that they don't know why it was an issue
19 in Puerto Rico because they had previous experience
20 from other U.S. territories or jurisdictions with
21 indigenous and tribal lands, and they made
22 exceptions, and they applied correctly their
23 guidance.

24 So, they didn't -- they expressed that

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1 they didn't understand why it was such a big issue in
2 Puerto Rico. But it was, and a lot of people were
3 denied their right to have that assistance to repair
4 their homes. So, we had a very disproportionate
5 denial rate in that sense. And I wanted also
6 to highlight something that Ariadna Godreau mentioned
7 at the beginning, since she also was dealing with the
8 legal brigades. When the Office of the Chief Counsel
9 and FEMA approved that the sworn statement -- that it
10 was basically this very simple 1-2 page document that
11 included different legal scenarios, specifically
12 about ownership, land tenure, it wanted to
13 accommodate the social and legal context of the
14 people in Puerto Rico. So, we thought it was the right
15 thing to do, so we were so happy when FEMA approved
16 that. But I just wanted to reiterate, like Ariadna
17 was mentioning, they didn't have -- they didn't make
18 that document available at the Centers for Disaster
19 Recovery. They didn't notify any of the 85,000 people
20 that were denied because of ownership that there was
21 a new possibility to appeal with that document, and
22 it was a real possibility for that. So, we encountered
23 constant obstacles and challenges from FEMA to -- we
24 thought that it was sort of like this active action

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1 and discriminatory action so that people wouldn't
2 actually appeal because of the ownership.

3 So, what we did was a new campaign across
4 the island, helping people, again, with legal
5 brigades. We had to include psychological
6 professionals in our legal brigades because the
7 anxiety and the emotional distress that these FEMA
8 denials were causing on people were very real. We had
9 participants that expressed constantly suicidal
10 thoughts, and we even had a participant that
11 committed suicide. And I wanted to say this because
12 when FEMA denies an assistance, it impacts people,
13 but it also has the effect of killing people. It's
14 something real. We saw it in our legal projects. It's
15 not something that -- it's invented, right, it has a
16 consequence.

17 I'm running out of time. I want to
18 respect the time. But we continue to see the
19 discriminatory practices after the earthquakes on
20 January 2020. We have all the details of what we saw
21 on our written statement. But I wanted to also
22 highlight that one of the biggest obstacles that we
23 confronted as well with FEMA is the lack of
24 transparency and access to information.

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1 We wanted to have information from all
2 the 78 municipalities of the denial rate so we would
3 target our legal aid and be more effective. It was
4 really, really hard to get that information. They
5 don't have a dashboard, it's not accessible. So I
6 wanted also to highlight that as a part of the civil
7 rights discussion. And thank you.

8 CHAIRWOMAN CANTÚ: Thank you, Ms. Torres
9 Rivera.

-END OF PANEL 2-

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QUESTION & ANSWER

9

10 CHAIRWOMAN CANTÚ: So, at this point in
11 our panel, it's the most fun part. It's the question
12 and answer. So, I'm looking to our commissioners to
13 see which types of questions or what kind of
14 information they would like to go over. Okay,
15 Commissioner Adams, please.

16 COMMISSIONER ADAMS: Thank you all very
17 much for your time.

18 My question, first one is to Ms. Aubert,
19 Ms. Rivera, I think, could you help me understand --
20 you talked about the property issues. Is there a
21 procedure here where you have a local property tax
22 some way where homeowners or people on the land are
23 paying taxes, and did FEMA not accept any evidence of
24 that as evidence of ownership?

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1 MS. GODREAU: As per the guidelines that
2 were already in place for the individuals and
3 household program, as Diane Yentel was saying, there
4 was already like a way to prove ownership that
5 included what you're just mentioning, like payment of
6 taxes or receipts. But when FEMA came on the ground,
7 even though the CFR stresses like a very broad
8 definition of owner, they were asking precisely for
9 deeds, title deeds.

10 And, as I said before, nothing in Puerto
11 Rican law requires that and nothing in federal law
12 requires that. And I must say that this is an awful
13 precedent because since FEMA did this in practice,
14 the Puerto Rican Housing Department implemented the
15 same restriction, a self-imposition, for the CDBG-DR
16 funding. So, we are seeing the same thing that we saw
17 with FEMA, the same thing that took us three years to
18 fight in the CDBG-DR program. So, you know, this is
19 snowballing.

20 MS. TORRES: I completely agree with what
21 she's saying and I just wanted to add that we always
22 and constantly, in our different meetings with FEMA
23 staff, with high level representatives from FEMA, we
24 met with them locally and even went to the United

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1 States a couple of times because of this issue. And
2 we constantly explained to them that Puerto Rico has
3 a Spanish tradition, a civil Spanish tradition when
4 it comes to law.

5 We wanted -- we explained to them the
6 complexities of just that, of having those laws, it
7 didn't work as it works in the U.S., and so it's
8 different here because of our law tradition. But
9 also, there's a historical context of land tenure in
10 Puerto Rico, and our foundation even commissioned a
11 study, a socio-legal study, to try to explain why
12 it's so different in Puerto Rico.

13 For example, people are not obligated to
14 have their titles registered in the Property
15 Registry. It's not an obligation. So, it was very
16 frustrating because we constantly explained this. And
17 what blew our minds was that not only the attitude
18 was as if they didn't want to understand, they didn't
19 want to deal with it, but the guideline had an
20 exception anyways, they weren't supposed to ask for
21 the title anyways. So that was very mind blowing for
22 us, the insistence of them asking for that type of
23 formal document here in Puerto Rico.

24 COMMISSIONER ADAMS: Question for Ms.

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1 Santiago. You talked about the -- you advocated for
2 distributive generation; I think. I mean, my question
3 is, do you think that's more economically efficient
4 than having an infrastructure like you have now? And
5 secondly, what would be more likely to enjoy a capital
6 infusion the next time that there's storm damage,
7 would it be the status quo or would it be distributed
8 generation?

9 MS. SANTIAGO: Thank you for the question.

10 Distributed renewables, renewable energy
11 in general, according to Lazard and other financial
12 analysts, are now the cheapest way to generate
13 energy. They're cheaper than new gas-fired power
14 plants. And the specific situation in Puerto Rico and
15 in other areas that are prone to hurricanes is that
16 distributed renewables work better, are more
17 resilient, and require less reconstruction, which is
18 what Congress was saying.

19 The way the electric system is configured
20 in Puerto Rico, there are lots of power plants in the
21 southern coastal areas and there is a whole gamut of
22 transmission and distribution lines that run from the
23 south to the north, mostly San Juan. That happens to
24 be right in the path of hurricanes.

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1 Hurricanes come in through the east,
2 cross across the island, and take down the
3 transmission lines in the past 30 years. I mean, since
4 Hurricane Hugo, I remember. Usually it's part of the
5 island, not the whole thing, the way it happened after
6 Hurricane María. But certainly, yes. Those lines,
7 that design, is a very 20th century configuration.
8 And the investment of federal funds should go towards
9 something more resilient that will hold up after the
10 next storms.

11 And what we're seeing, very
12 interestingly, another equity and environmental
13 justice issue, is that people at higher income levels
14 here are rapidly taking up these systems. But it's
15 such a small part of the population, with the high
16 poverty rate here, that lower- and middle-income
17 people -- that of course correlates with race here -
18 - do not have access to that universal essential
19 public service through rooftop solar or on-site
20 solar, something nearby that is not as impacted by
21 hurricanes and storms.

22 There have been studies, DOE, recently
23 civil society organizations like Cambio, IEEFA that
24 show the viability, the cost effectiveness of these

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1 rooftop solar systems in comparison to rebuilding the
2 grid. And I want to point to an analogy here, so if
3 you order something online and have it delivered, you
4 probably don't expect to pay more for the delivery -
5 - much more, 10 times more for the delivery -- than
6 the content of your package.

7 That is what the government of Puerto
8 Rico and FEMA are considering doing, paying to
9 rebuild the transmission and distribution system to
10 the tune of the already allocated 9.6 billion. And
11 they're asking for up to 14 billion, and plus adding
12 new gas-fired plants as opposed to providing the
13 energy more directly. You can avoid that whole
14 transmission cost by providing the energy on
15 rooftops, or more locally sited. I hope that answers
16 the question.

17 COMMISSIONER ADAMS: Thanks.

18 CHAIRWOMAN CANTÚ: Commissioner Kladney,
19 please.

20 COMMISSIONER KLADNEY: Thank you, Madam
21 Chair.

22 Dr. Bonilla, I think I said it right. I
23 am so bad. Bonilla. Anyways, has the Puerto Rican
24 government or FEMA -- maybe this is for everybody --

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1 ever conducted a complete inventory of projects that
2 would mitigate damage during a catastrophe like a
3 hurricane? And if not, would that help?

4 DR. BONILLA: Has the government conducted
5 -- can you say that again? I'm sorry.

6 COMMISSIONER KLADNEY: An inventory of the kind
7 of projects that are needed, like in these small
8 towns, to mitigate damage that would occur during a
9 storm.

10 DR. BONILLA: No. There's been some
11 studies, but it's not been exhaustive. I don't know
12 what the other panelists would say, but not that I'm
13 aware of, no.

14 COMMISSIONER KLADNEY: Would that help?

15 DR. BONILLA: I think so, absolutely. Yes.

16 MS. GODREAU: That's one of the duties
17 that COR3 had along the process, like to have an
18 inventory of the mitigation plans available, and
19 incoherent planning is part of unjust recovery. One
20 of the things that happened is that planning
21 processes, for example, within CDBG-DR, they haven't
22 even started. So, you're already pushing people for
23 relocations, for giving out contracts, a revolving
24 door between the FEMA STEP program and the CDBG-DR

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1 program. But their planning process, the millions
2 allocated for the planning process, that program
3 hasn't started. So, to answer your question that
4 updated inventory, we're lacking it because of local
5 governmental omission to do so, and also because the
6 way that the funds are being spent locally is not
7 coherent.

8 MS. TORRES: I just wanted to add that we
9 recognize that the government of Puerto Rico and the
10 U.S. government has a responsibility to develop these
11 plans and mitigate, but we also wanted to recognize
12 that those plans have to be with the communities.
13 It's --- a planning to get--

14 COMMISSIONER KLADNEY: Input

15 Ms. Torres: Right, not only the input, an
16 active participating process. COMMISSIONER KLADNEY:
17 Right.

18 MS. TORRES: Right? So, when governments
19 start contracting -- and we know, we recognize the
20 responsibility, but it cannot be just an up/down
21 initiative. It has to be --

22 COMMISSIONER KLADNEY: Right. Right.

23 MS. TORRES: Right? Just wanted to clear
24 that, right? Okay.

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1 COMMISSIONER KLADNEY: And another
2 question, since the hurricane, has FEMA come here and
3 conducted an investigation as to how it performed
4 during the investigation? Has it gone from community
5 to community to see what happened and to see how it
6 could be better prepared next time?

7 MS. GODREAU: Not that we know of.

8 DR. BONILLA: There was an internal
9 assessment of some practices, but I don't believe it
10 involved coming to Puerto Rico and talking to local
11 stakeholders. I think it was just an internal -- and
12 also, in particular, looking at how during the past
13 administration there were specific directives given
14 to slow down certain processes, as I believe the
15 panelists in the morning panel discussed.

16 COMMISSIONER KLADNEY: Have you ever seen
17 that document?

18 DR. BONILLA: I've seen news reports about
19 it. I've not personally received the document.

20 COMMISSIONER KLADNEY: And you don't know
21 what it was called.

22 DR. BONILLA: No.

23 COMMISSIONER KLADNEY: I mean, I'm trying
24 to find out because we can request a copy if it's an

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1 internal assessment that was done regarding María.

2 DR. BONILLA: I don't have it at my
3 fingertips, but I can submit news reports that
4 discussed it.

5 COMMISSIONER KLADNEY: Thank you very
6 much.

7 MS. TORRES: I remember that, I think two
8 weeks ago, I received an invitation, and my emergency
9 legal aid coordinator virtually attended, from FEMA.
10 It was like a conference of revising internal
11 practices. And she actually -- it's included in the
12 written statement some of the changes they are
13 internally making, and we applauded, and we think
14 that those changes are good. They are coming four
15 years later, people died and left, and that's
16 obviously an issue. But I think it was about two weeks
17 ago, I can search for the information as well and
18 send it to the Commission.

19 COMMISSIONER KLADNEY: And perhaps a
20 contact at FEMA that we could get ahold of. If you
21 had a person there, they would probably know who to
22 contact?

23 Ms. Torres : Yes.

24 COMMISSIONER KLADNEY: Thank you.

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1 Yes, ma'am.

2 MS. MINET: Yes. I just wanted to say that
3 there are many OIG audits that went out, FEMA's
4 problems and HHS' problems, so there are lots of them.
5 And CDBG also had audits, so they should be revised.
6 And I hope FEMA local office is watching. I guess
7 they should be here. But many of these concerns have
8 been reported extensively in local press.

9 So it's not that they are not aware of
10 these problems because they -- at least we at the
11 center -- and I know many of these organizations have
12 submitted press releases during all this time, and
13 they should know about their failures.

14 COMMISSIONER KLADNEY: Right. I just
15 wanted to know if they were looking at it themselves
16 to make change. I mean, you could know about
17 something, but if you don't look at it yourself.

18 Yes, ma'am.

19 DR. BONILLA: I just want to point out to
20 the Committee, there is a 300-page report published
21 October 2018 by FEMA called Mitigation Assessment
22 Team Report Hurricanes Irma and María in Puerto Rico
23 Building Performance, Observations, Recommendations,
24 and Technical Guidance.

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1 COMMISSIONER KLADNEY: Thank you very
2 much.

3 COMMISSIONER YAKI: Thank you.

4 I want to spin around on the whole title
5 issue. It was brought up in the first panel and I
6 want to get some specificity to sort of -- well,
7 because we'd like that for the record. A couple of
8 things. One, when did you first bring -- this is, I
9 guess, for both Ms. Aubert and Ms. Rivera. When did
10 you first bring to the attention of FEMA the issue
11 that they should not be just relying on deeds for
12 applications for housing assistance as a result of
13 Hurricane María?

14 (Pause.)

15 COMMISSIONER YAKI: I think the mic ---
16 okay. Hit it. A little bit harder. There you go.

17 MS. GODREAU: Okay, so, I finally did it.
18 If tech fails us amidst the pandemic, it's done, so
19 we have to go home, right?

20 (Laughter.)

21 MS. GODREAU: So, I have, considered this
22 on several occasions. So just like Ayuda Legal Puerto
23 Rico brigades started literally 24 hours after the
24 disasters, and we trained 400 lawyers and attorneys.

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1 We trained all of the legal service entities that
2 were out there, so we were a huge group. We started
3 noticing this, I would say, like a week or two weeks
4 after Hurricane María, when FEMA officials on the
5 phone told us, "Why don't you get an instant title?"
6 And we were like, "I don't know what's an instant
7 title." And they said, "That's something that they
8 had in New Orleans. Why don't you have it?" And we
9 were like, "Okay. This is not working."

10 If you hung up, somebody else would tell
11 you another and another thing. I must say that three
12 weeks into --- after María, a FEMA official told the
13 people in Loíza, the mayor of Loíza, "You know what?
14 You can use this form so that people who don't have
15 title -- it's something that we prepared. They can
16 use it."

17 And we went to Loíza, and we filed 1,000
18 applications, literally, in a day with a lot of pro
19 bono attorneys, and all of those forms were denied.
20 And then FEMA denied the fact that they gave the mayor
21 that form, so that happened over and over again. So,
22 FEMA knew since the beginning that this was an issue.

23 COMMISSIONER YAKI: Okay. And how much
24 later did it take for them to concede in that meeting

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1 with you that they would accept the substitute
2 verification, which was always within their
3 discretion to do?

4 MS. Torres: So that document was approved
5 on June 2018.

6 COMMISSIONER YAKI: Like a year later.

7 MS. Torres: More or less. Yes. It was.
8 Yeah. But I have to say that we truly appreciated
9 that the Office of the Chief Counsel designated this
10 attorney that met with Ayuda Legal and our foundation
11 and other nonprofits to finally approve this. And we
12 truly appreciated it. But not only did -- it was an
13 approval that came almost a year later, but it wasn't
14 effective because it wasn't available. It wasn't
15 accessible.

16 COMMISSIONER YAKI: Well, let me ask you
17 this. Did FEMA ever tell you after that -- after the
18 nine-month period and after they approved the true
19 form -- that everyone who was denied previously could
20 reapply?

21 MS. Torres: There was nothing written.
22 Maybe that attorney could say, "Listen, tell people
23 to appeal again." I remember some of our attorneys in
24 our projects telling us that at the DRCs, some of the

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1 staff at -- a low level staff in the DRCs would tell
2 our attorneys, "they could appeal with an affidavit,
3 with a notarized affidavit from a notary-at-law in
4 Puerto Rico, which has to be a lawyer, different from
5 the U.S.

6 COMMISSIONER YAKI: Yes.

7 MS. Torres: And we started -- all our
8 legal brigades had -- one of the requisites of being
9 on those legal brigades were that they should be
10 notaries-at-law because the way -- the conversations
11 led to that. But eventually, we saw that all those
12 appeals with those affidavits were also denied.

13 COMMISSIONER YAKI: What?

14 MS. GODREAU: Yes. So, it was that then
15 the sworn statement was approved. And also, many
16 applications were also denied. So ---

17 COMMISSIONER YAKI: So, they gave you
18 something, but it really hasn't resulted in anything.
19 And they haven't said anything publicly about whether
20 they would, basically, wipe out the old denials and
21 let people reapply again? Because I'm sure they would
22 say there's some kind of time limit or something that
23 you -- I don't know. What's going -- so you're shaking
24 your head, so just tell me.

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1 MS. GODREAU: Because it never became an
2 official guideline. It was until, I would say -- and
3 part of my staff is here -- in October that it finally
4 became a guideline. Because what FEMA said is that -
5 - they sent us a letter saying, "Yes. The form is
6 okay. But now, please, nonprofits, do go out and tell
7 people." So, we were lacking also coordination from
8 the local government. There was no way that we could
9 get the names of the 1,001 million applicants. And
10 since it wasn't a policy, there wasn't even an
11 internal procedure. And we trained FEMA staff on the
12 informal title form, and it was the first time that
13 they --

14 COMMISSIONER YAKI: So, they have the
15 names of everyone who got denied.

16 MS. GODREAU: Yes. They should.

17 COMMISSIONER YAKI: So, they could easily
18 send out or give you the list.

19 MS. GODREAU: Sure.

20 COMMISSIONER YAKI: But they haven't done
21 that.

22 MS. GODREAU: They should notify people
23 because of due process.

24 COMMISSIONER YAKI: Can you send us where

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1 that new guideline is finally?

2 MS. GODREAU: Yes.

3 COMMISSIONER YAKI: And then the person
4 who you met with at FEMA about this?

5 MS. GODREAU: Mm-hmm.

6 COMMISSIONER YAKI: Okay. Thank you.

7 CHAIRWOMAN CANTÚ: Yes.

8 COMMISSIONER ADEGBILE: Hi. I just want to
9 pick up on this topic again. So, as I understand it,
10 FEMA was implementing as a practice, not as a legal
11 requirement, but as a practice, proof of title in a
12 situation where it was known that many people would
13 not have a title. Now, FEMA's own guidance does not
14 require a title. The guidance that was in place at
15 the time that the hurricane happened does not require
16 a title. Is that right?

17 MS. TORRES: Yes. Correct.

18 COMMISSIONER ADEGBILE: So, at the time
19 the hurricane happens, FEMA's own guidance does not
20 require a title, but FEMA requires that when they're
21 looking for eligibility; rejects a lot of people's
22 requests, 85,000 approximately. Is that correct?

23 MS. TORRES: Yes.

24 COMMISSIONER ADEGBILE: And you engage

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1 FEMA when you understand that this is happening, and
2 come up with an additional alternative, the form that
3 you talk about. But FEMA -- is that --- we have that,
4 right?

5 MS. TORRES: Yes.

6 COMMISSIONER YAKI: Nine months later.

7 COMMISSIONER ADEGBILE: Nine months
8 later? And, however, FEMA takes no responsibility for
9 communicating the alternative paths to demonstrating
10 eligibility, knowing that 85,000 some odd have been
11 denied, correct?

12 MS. TORRES: Correct.

13 COMMISSIONER ADEGBILE: And requires the
14 not-for-profit community to take onto its back the
15 responsibility of trying to disseminate that. In
16 effect, there is a structural process of improper
17 denials, and there's another approach here. But
18 because of the passage of time, many people have lost
19 faith in -- and having heard so many different
20 articulations of what's necessary, many people have
21 lost faith in that any additional effort is ever going
22 to create a possibility of them having assistance. Is
23 that correct?

24 MS. TORRES: Correct. We even had some

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1 participants in our project that had three, four,
2 five times presented letters of appeal, and the five
3 times were denied.

4 COMMISSIONER ADEGBILE: Has this degree of
5 denial ever happened in another place that you are
6 aware of? I understand that you are not all
7 professional investigators of FEMA, but we have heard
8 that there have been other contexts in which the title
9 issue has presented itself. Are we aware that there's
10 ever been this magnitude of denial in the wake of a
11 natural disaster in other places?

12 MS. MINET: I just wanted to say that we
13 had to go to court for a FOIA petition in 2019 for
14 exactly the database of the FEMA denials for
15 individual assistance. Since then, we are still in
16 court with FEMA for this information. We -- they have
17 been feeding us with irrelevant information, but
18 still this database has not been produced.

19 COMMISSIONER ADEGBILE: So, in light of
20 what we have described here and reviewed with you,
21 can you think of explanations for why FEMA is
22 proceeding in this way?

23 MS. GODREAU: Yes. I did it. So, yes. So,
24 there is a piece that has been widely studied in other

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1 jurisdictions that have been disaster stricken that
2 has to do with disinvestment, you know, and the way
3 that disasters promote disinvestment of low-income
4 black communities everywhere. So, as Diane Yentel was
5 saying, this has also happened in jurisdictions as
6 New Orleans, post-Katrina, with people with informal
7 titles and more recently, with people with mobile
8 homes in Texas.

9 So, the things that we were listening
10 from FEMA, from high level FEMA officials -- and we
11 have been more recently through HUD listening
12 sessions in civil rights too, which are like very, of
13 course, linked -- is that there was like a perception
14 that people in Puerto Rico were going to take the
15 money. That idea based on the fact that we were going
16 to spend public funds without accountability, public
17 fraud, and whatnot. And we have been listening to the
18 same things over and over again in the past
19 administration and even in this administration. So,
20 there is a reading, a racial reading of the people
21 who are benefiting from assistance where there is
22 this idea that these people are going to commit fraud.

23 Now that we are going through recoupment
24 processes -- and that's another thing regarding FEMA,

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1 we have people undergoing recoupment process because
2 they were unable to prove ownership, although they
3 did based on the existing guidelines. So, there is a
4 dominant imagery of the way that Puerto Ricans have
5 related that was expressed in social media widely by
6 the former president of the U.S.

7 DR. BONILLA: Can I add something?

8 COMMISSIONER YAKI: Sure.

9 DR. BONILLA: First, I was looking through
10 my phone to try to find some statistics, but I will
11 submit them later about -- you know, at the end of
12 the day, what percentage of Puerto Ricans actually
13 received aid. After all, I don't know if the
14 Commission has that, but it's in the single digit
15 percentages. And then of that percentage, what
16 percentage received the maximum allowable amount, and
17 it was about 1 percent or less.

18 And I do think that what Ariadna is
19 saying, this is actually a research question that we
20 need to look into to see if this is unique to Puerto
21 Rico. And as she's saying, we need to also look not
22 just at different places, but at specific populations
23 within those places and how these denials and
24 barriers to aid are disproportionately distributed.

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1 And this is not research that we've yet done at
2 Centro, but we -- if the Commission wishes to
3 commission us to do that, we would be happy to provide
4 further -- look into this further and provide our own
5 internal investigation upon this.

6 COMMISSIONER ADEGBILE: Certainly, any
7 information --- comparative information about denials
8 and the demographics of the populations would be
9 valuable, I think, for purposes of our investigation
10 and for FEMA going forward.

11 Just to be clear, the guidance that we've
12 been talking about and referring to, is that an
13 interpretation of Stafford Section 408? I'm trying to
14 figure out -- I'm trying to trace back to what the
15 applicable law is that FEMA is implementing with this
16 guidance.

17 MS. GODREAU: It's 44 CFR 2016 -- 216.
18 Sorry, 44 CFR 216. I am confident that if I'm
19 mistaken, the team will scream.

20 (Laughter.)

21 COMMISSIONER ADEGBILE: Ms. Rivera, were
22 you trying to get in on that as well?

23 MS. TORRES: Yes. It is that part.

24 COMMISSIONER ADEGBILE: And just for the

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1 clarity of the record, as far as we understand it,
2 the statute itself doesn't speak to a title
3 requirement.

4 MS. GODREAU: What the statute does is to
5 define who's an owner, and it goes into saying that
6 an owner is somebody who has a proprietary interest,
7 it's a person who makes repairs and whatnot. And what
8 we did in the form was to mix that with local law to
9 demonstrate what a proprietary interest would look
10 like using the local legal framework. And we even
11 presented several white papers to FEMA as the legal
12 analysis for that.

13 COMMISSIONER ADEGBILE: Which, as I
14 understand it, is another way of saying that the
15 statute itself does not require title expressly.

16 MS. GODREAU: Never.

17 COMMISSIONER ADEGBILE: Okay. Thank you.

18 MS. ROSARIO: If I may, I just wanted to
19 echo my fellow partners on this panel, but I just
20 wanted to add that -- to the point of what Dr. Bonilla
21 was saying and to the fact that Carla Minet is
22 highlighting that we don't have the data yet. But we
23 do have the hands-on experience on the field to know
24 that women - particularly, Afro-descendant women and

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1 elderly women -- were disproportionately affected by
2 this because of how in Puerto Rico homeownership is
3 disproportionately in the hands of men, formal
4 homeownership. We don't have the data to prove it,
5 but I would think that analysis with hard data from
6 organizations in the field can provide enough data to
7 support that.

8 CHAIRWOMAN CANTÚ: And every research
9 project always has suggestions for further research,
10 but this particular issue is also an issue of call
11 for action. If you just differentiate both and let us
12 know which ones you believe the research is complete
13 and which ones you think require further research.

14 Commissioner Adegbile, you have any more
15 questions?

16 COMMISSIONER ADEGBILE: I'm sure I do, but
17 I'm happy to yield to others.

18 CHAIRWOMAN CANTÚ: Commissioner Adams,
19 would you like to ask a question?

20 COMMISSIONER ADAMS: Thank you, Madam
21 Chair. Most everyone on the last panel testified that
22 these problems that happened are interwoven with
23 political status, to one degree or another. In fact,
24 Ms. Aubert, your testimony talks about the colonial

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1 condition having something to do with this.

2 My question is you all must have thought
3 about how status and different political status might
4 have made the situation better or worse, and I'm
5 wondering would, for example, Ms. Aubert, would
6 independence have made the situation better or worse?
7 What is the interplay with status and these problems
8 in your view?

9 MS. GODREAU: So, a lack of democracy is
10 at the core of everything that Puerto Rico has gone
11 through and is going through? At the same time, I
12 want to say, very briefly, that as a human rights
13 lawyer and a person that defends self-determination,
14 I resent the fact that colonialism becomes so hyper
15 visible, and every time that we want to speak about
16 any other civil rights violation, we end up on the
17 status question and playing that ball in the field of
18 Congress.

19 And that being said, yes, of course, the
20 colonial conditions are imbedded in everything that's
21 going on. For example, what we're talking about,
22 these economic and social rights. And when we talk
23 about economic and social rights, I always remind
24 myself that the Constitution that Puerto Rico has,

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1 when we're talking about civil rights, when we're
2 talking about that contract between the government
3 and the people, has been denied of a clause that
4 defends economic and social rights because the U.S.
5 Congress decided to ban that clause as a condition to
6 let Puerto Ricans have the political status that they
7 have today. So, the will of the people is to defend
8 what we do every single day, housing justice, land
9 justice, economic justice, health, labor laws, and
10 that has been taken away from us.

11 PROMESA, the imposition of an unelected
12 board that is basically deciding over fiscal policy,
13 and that's making the decision of who gets to stay in
14 our land. The question that we have right now,
15 Commissioner Adams, is the future. The possibility of
16 staying here, and we are being taking-colonialism not
17 only takes that away from us, but we are invisible.
18 When we go to the InterAmerican Commission of Human
19 Rights, and we have gone on several occasions -
20 yesterday, one of the leaders was talking about it.

21 Those are the only forums, few of them,
22 where we have representation at international levels,
23 because the colony that is not acknowledged by the
24 United Nations because the U.S. has denied that right

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1 over and over on several occasions, is invisible.
2 Invisible. So, talking about civil rights, talking
3 about human rights is very far removed often from the
4 policy work and the policy space that the colony lets
5 us have. So yeah, we have to solve the colonial
6 status. Yes, that's an international responsibility.
7 But yes, the U.S. and the local government that has
8 been complicit of the colonialism status, has to
9 repair - to provide reparations for the people that
10 are currently asking themselves -ourselves, every
11 single day, is future in Puerto Rico even possible.

12 MS. SANTIAGO: Can I add very briefly to
13 that? And I think that if the question is would the
14 FEMA assistance under independence, how would it be
15 better or worse, I think that depends on the
16 conditions on which independence would be negotiated.
17 We all know that after the Treaty of Paris and the
18 ceding of Puerto Rico as a territory to the United
19 States that there are possibilities of renegotiating
20 that status issue. And the terms of that
21 renegotiation would determine whether the FEMA
22 funding or any other kind of federal funding would
23 serve as some form of reparations for the colonial
24 status that Puerto Rico is under with respect to U.S.

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1 I also, if I may, just address briefly
2 also another issue which has to do with FEMA as a
3 responsive agency or lack of response from FEMA to
4 FOIA requests. We've also experimented that for over
5 a year requesting documentation from FEMA and not
6 getting one sheet of paper. With a multiple team of
7 lawyers, including Earth Justice, the University of
8 Puerto Rico Law Clinic, and other attorneys that
9 we're working with, no response to FOIA requests from
10 FEMA. Thank you.

11 DR. BONILLA: First, in my statement, what
12 I emphasized was the need for federal agencies to
13 take an intersectional approach. And what I meant by
14 that was echoing what my colleagues are saying, that
15 we can't set us apart, the question of status, from
16 these other issues. And so that's part of why I also
17 emphasize that the discrimination that people in this
18 geographic area face is an ethnic discrimination that
19 needs to be understood in relationship to other
20 ethnic discrimination and racial discrimination that
21 occur in the United States.

22 I also want to emphasize that an
23 intersectional approach also looks at how these
24 issues are compounded, and so issues related to

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1 gender justice, racial justice, they need to also be
2 thought about in terms of colonial injustice, and how
3 each of these deepens and strengthens each other. And
4 in the case of the FEMA response, if we understand
5 that the compounding effects of these disasters and
6 of these inequities only sharpen these divides, then
7 we have to understand how FEMA's response is not just
8 discriminatory, but actually leads to an increased
9 lack of justice for these communities. As such, it
10 has hardened the divisions of race, gender, class,
11 and colonialism in Puerto Rico. And so, all of these
12 things need to be thought about together.

13 And also, I want to echo what my
14 colleague, Ruth Santiago, just said about the need to
15 discuss what would be the terms of Puerto Rico's
16 independence. And part of what is necessary is for
17 the federal government to begin by acknowledging that
18 it has colonies because this is something that the
19 federal government repeatedly denies. And so how can
20 we discuss decolonization when we are not discussing
21 that with an empire that recognizes its nature and
22 that it - why it has colonies, how it benefits from
23 them, and how the United States is actually the United
24 States and Territories? Right? And that is always

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1 silenced and never discussed.

2 And so, I think that to simply ask would
3 things be better if we were independent is a question
4 that we cannot answer because we do not know what
5 that independence would look like and what it would
6 allow us to do.

7 COMMISSIONER ADAMS: Real quick follow-up
8 that we can agree that if Puerto Rico chose
9 independence, all of the colonial or decisions being
10 made in Washington could be made locally. Right? I
11 mean, that's one way to alleviate the --

12 DR. BONILLA: No. We cannot agree on that
13 because if you look at the rest of the Caribbean and
14 the independent nations in the Caribbean, they do not
15 have a -- they do not determine their entire fate.
16 They are also regulated and determined by
17 organizations like the IMF, the World Bank, and also
18 Washington foreign policy. So, to kind of just simply
19 say well, we will let Puerto Rico go its own way,
20 which is something that the previous administration
21 had also said, and the previous president had asked
22 can we sell Puerto Rico, that doesn't take into
23 account what that would mean and what independence
24 means for former colonies.

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1 Decolonization is not just a matter of a
2 flag and a coin and a stamp and an anthem, it's about
3 the possibility to create new worlds on our own terms
4 with the economic and social principles that we think
5 are important to our communities. And that has to
6 happen in dialogue with our empire and with the global
7 community.

8 COMMISSIONER ADEGBILE: So, I want to come
9 back to a point that Ms. Godreau Aubert, I think, was
10 speaking to in terms of the perception, what you were
11 discerning as a perception on some federal officials
12 that monies were not going to be well spent, that
13 they were going to be misspent, that there was concern
14 about fraud. Now, we think that based on the data we
15 have that the degree of monies that were approved in
16 relation to the ones that were denied, particularly
17 over this title issue, has a pretty serious
18 disparity.

19 But I wanted to ask sort of a broader
20 question because it's a legitimate interest for the
21 federal government not to have disaster funds
22 fraudulently used. I think we can all agree on that.
23 Nobody wants money that is to help people that are in
24 crisis to be misspent. But part of what I heard is

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1 that there were a number of contractors and others
2 who seemed, A, not qualified to discharge the duties
3 for which they were given contracts. Some of them
4 didn't, in fact, discharge those duties and provide
5 the materials that they contracted to provide. And in
6 some sense, some contracts were vitiated or
7 withdrawn.

8 And are you aware of any fraud
9 investigations that have gone into this contracting
10 process of the people that the federal government
11 awarded contracts to outside of Puerto Rico that
12 didn't in fact do what they were expected to do?

13 MS. SANTIAGO: So, we did see the case of
14 COBRA Energy, which involved actually fraud by FEMA
15 in awarding a contract -- favorable terms to a
16 particular contractor by FEMA employees. And that has
17 been investigated. There have been convictions.
18 People are serving jail sentences for that.

19 COMMISSIONER ADEGBILE: And you said
20 that's an energy contract?

21 MS. SANTIAGO: Yes, COBRA Energy.

22 COMMISSIONER YAKI: Related to Maria.

23 MS. SANTIAGO: Yes.

24 COMMISSIONER ADEGBILE: And separately,

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1 some people refer to a contract for a contractor in
2 Florida or --

3 MS. SANTIAGO: No. The Whitefish contract
4 was for a newly formed company in Montana that was
5 from Whitefish, Montana, where Secretary Zinke of the
6 Interior was from, and there's been an investigation
7 on that. I'm not sure what the status of that is right
8 now. But it was -- a company with no experience got
9 a contract for, I think, initially \$300 million worth
10 of work. And so, it was very dubious.

11 COMMISSIONER ADEGBILE: Not a rounding
12 error, \$300 million is not a rounding error as I
13 understand it.

14 MS. SANTIAGO: It was -- and I think even
15 more, as I recall.

16 COMMISSIONER ADEGBILE: Okay. And then are
17 you aware of what evidence there is and what the
18 degree of magnitude is of fraud that has been
19 identified of people in Puerto Rico or in Houston,
20 for that matter, associated with the obtaining funds,
21 recovery funds improperly?

22 MS. GODREAU: We have asked for that same
23 data on multiple occasions, and they don't have it
24 available, not even for the recoupment processes. So,

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1 it's, as I said, a perception.

2 COMMISSIONER ADEGBILE: So, no one would
3 know whether there was more or less fraud here or in
4 Louisiana or in Houston, or even in New York City
5 under Sandy? There's no comparison that can be had,
6 and no one has ever been able to show statistics that
7 more fraud would occur here than somewhere else.

8 MS. GODREAU: The answer is no.

9 DR. BONILLA: I don't think that has been
10 shown. But what has been shown is the suspicion of
11 fraud and the overburden that was placed on our
12 communities to ensure that people were entitled to
13 something that they were by law entitled to.

14 MS. TORRES: I don't have the specific
15 data on that, but we started a legal aid project for
16 recoupment letters received by FEMA, and we actually
17 made the front page paper a couple of months ago with
18 this issue. And there were three testimonies of three
19 of our participants. One specifically of that
20 supposedly fraud case was someone that was denied
21 because of ownership, but then because of one of our
22 appeals, they were able to have some money assigned
23 that -- it's actually a woman and I believe her
24 children are disabled. And she repaired her entire

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1 home with those funds, and then months later or years
2 later, she received a letter of recoupment. And for
3 us that didn't make absolutely no sense. Because yet
4 again, they approved, finally, in a process of
5 appeal; they accept the ownership documents that our
6 lawyers were able to present because of the appeal;
7 and then she receives this recoupment.

8 So also, we have to analyze how they are
9 interpreting fraud. Right? Because ownership is an
10 issue; it depends how they are interpreting the
11 documents that they are receiving for proving this
12 ownership.

13 COMMISSIONER KLADNEY: But how did they -
14 - do you know how they determined to send the
15 recoupment letter in the first place, I mean, what
16 information they had that led them to believe that
17 they were entitled to recoupment?

18 MS. TORRES: What I saw was a letter that
19 stated that they made an error or mistake when
20 analyzing the documents that were presented in her
21 case, and the specific amount that she needed to
22 reimburse to the U.S. Treasury. I remember our
23 attorney sending me that letter. So obviously, it
24 gives you a term to reimburse the money.

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1 We had another case of an elder that
2 received a very minimum amount of Social Security, I
3 believe it was like \$600 a month, and they -- another
4 recoupment case. FEMA approved the assistance, and
5 then he received the letter of reimbursing the funds,
6 while the person doesn't have a -- it's basically
7 condemning the person to live in extreme poverty
8 because they were also in the letter saying that they
9 could retain from the Social Security check, which
10 was like \$600 a month.

11 COMMISSIONER KLADLEY: So the recoupment
12 -- excuse me.

13 MS. TORRES: It's a very unjust --
14 recoupment is a very unjust process as well, so I
15 just wanted to say that.

16 COMMISSIONER KLADNEY: It's an ongoing
17 process that's an appellate process.

18 MS. TORRES: Yes.

19 COMMISSIONER KLADNEY: And you haven't had
20 any determinations yet? Is that correct?

21 MS. GODREAU: Recoupments are an ongoing
22 process, and they have a statutory limit of three
23 years. So, what we're seeing right now is a lot of
24 people that have already received the letters, the

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1 letters are coming in English, that has to do with
2 limited English proficiency. So, they are coming in
3 English so people don't realize that they are
4 undergoing a recoupment process until there -- it is
5 reported to the IRS, and it is too late in the
6 process.

7 But we recently had a meeting with FEMA
8 officials, and we requested a meeting only to discuss
9 the issue of recoupment, and I must say that, once
10 again, how much they don't know about that. Ayuda
11 Legal Puerto Rico posted a blog in our website. That's
12 not like a huge outlet of news, and a FEMA press
13 official emailed us saying that we were lying about
14 the recoupment process, that they were following
15 their process. That was a very angry email, and we
16 responded by asking for a meeting.

17 At the meeting that was about recoupment,
18 the officials that came, nobody knew about the
19 recoupment process. Nobody could say who the lawyer
20 in charge of the recoupment process was. They
21 couldn't say how a letter of recoupment process looks
22 like. So what we were saying is that if people are
23 undergoing a recoupment process, please bring the
24 data. They don't have the data available, so we have

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1 to present a FOIA, and we're waiting on that FOIA.

2 But also we were asking them for everyone
3 that has received a recoupment to receive, for
4 example, the guideline that has to do with ownership,
5 so that they could have a chance to navigate through
6 the process. Because case by case, it's never going
7 to be possible to reach all of them.

8 COMMISSIONER KLADNEY: So, let me just say
9 we went through the whole thing with forms about
10 Spanish to English a while ago, and now they're
11 sending out forms in English to recoup their money?

12 MS. GODREAU: Letters in English. Yes.

13 COMMISSIONER KLADNEY: Letters. Thank
14 you.

15 CHAIRWOMAN CANTU: All right. I would just
16 want to check one last time, Commissioner Gilchrist,
17 did you have any questions? We're in overtime, but
18 you're worth it.

19 COMMISSIONER GILCHRIST: Thank you, Madam
20 Chair. No questions in the essence of time. I just
21 want to thank the panelists again for their remarks
22 today. Thank you.

23 CHAIRWOMAN CANTU: Last on this --
24 Commissioner Yaki, and I apologize to the panelists

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1 for going over time, but this information is so
2 valuable to us.

3 COMMISSIONER YAKI: So just one last
4 question. It's just a very specific data, if you have
5 it, you can send it to us, but if you can talk about
6 it, it'd be great. One of the things I'm wondering is
7 what was -- for the people who actually did make it
8 through the process, how much was their average award
9 from the federal government? Because one thing that
10 we're trying to look at is whether or not some people
11 get a higher reward than others based on where they
12 live or stuff like that. So that would be very helpful
13 to us if you actually have any of that information.

14 MS. GODREAU: We can share with the
15 Commission that the Center for the New Economy
16 recently created some maps, and also people from
17 Texas Appleseed and other organizations abroad are
18 working on a map to figure that out.

19 COMMISSIONER YAKI: Okay. Thank you.

20 CHAIRWOMAN CANTU: This brings us to the
21 end of the briefing portion of our meeting.

22 We're going to break for lunch for one hour and
23 return for the public comment segment of the
24 briefing. We were going to do it at 1:45. We'll come

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1 back at 1:51 Atlantic Standard Time. For those on the
2 island still interested in joining us live to submit
3 in-person comments, this is where we are. We are at
4 the InterAmerican University of Puerto Rico Law
5 School located at 170 Calle Federico Costas, San
6 Juan, 00918, Puerto Rico.

7 As a reminder, please, we have to exit
8 this room for the cleaning protocol for COVID. Be
9 sure you take all your personal belongings with you
10 and only your own personal belongings. Because I pick
11 up bags all the time, and I go where do I get this
12 bag, where do I get this pen? So don't be me.

13 Enjoy your lunch. I'm going to see
14 everyone back here at 1:51. Thank you.

15 (Whereupon, the above-entitled matter went off
16 the record.)

17

18 ***PUBLIC COMMENT SESSION TRANSCRIPT***

19 ***AVAILABLE ON P. 180***

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1 **TESTIMONY OF EVER PADILLA RUIZ, EXECUTIVE**
2 **DIRECTOR, COMISIÓN DE DERECHOS CIVILES**

3
4
5 We all know that the effects Hurricanes
6 Irma and María had over the island were
7 devastating. Both the state and federal
8 government underestimated the impact of
9 Hurricane María. The government of Puerto
10 Rico did not have access to the necessary
11 quick-response resources to deal with the
12 magnitude of the disaster. This was
13 worsened by the lack of clarity within the
14 roles of the federal, state and municipal
15 governments. FEMA did not have enough
16 resources here in the island. It did not
17 have enough food and water to fill the
18 needs of 3.4 million people.

19 The rest of the panelists have spoken
20 about the bureaucracy and slowness in
21 soliciting funds from FEMA. We understand
22 the importance of documenting public
23 expenses. However, in an emergency
24 situation, these procedures need to be
25 flexible enough to save the lives of

1 people.

2 The impact of Hurricane María left us
3 in the dark, with no electric service,
4 without potable water, without
5 telecommunication networks and with very
6 little food. We didn't have enough reserve
7 food supplies or medication.

8 By that time, we had already
9 experienced a significant loss in the
10 amount of local healthcare workers, which
11 only added to the bigger challenges for our
12 access to services. Immediately after the
13 impact of Hurricane María, an important
14 part of the population abandoned the island
15 in search of medical attention due to
16 different chronic health situations.
17 Neither federal, state or municipal
18 authorities had a registry of patients with
19 chronic illnesses, nor with conditions
20 requiring electronic mechanisms for their
21 survival.

22 The high number of elderly people who
23 live in vulnerable conditions, and below
24 the radar of governmental authorities, was
25 evidenced. Eighty-one percent of that

1 population's only source of income is
2 Social Security, and thirty-six percent of
3 those live completely alone. The emergency
4 operational plan of nursing homes and
5 assisted living facilities proved to not be
6 adapted to the magnitude of the phenomenon.

7 Nursing homes and assisted living
8 facilities, in spite of having water
9 cisterns and power generators, faced
10 problems keeping up with the demands for
11 water, diesel, gasoline and food. A report
12 from Cornell University in 2016 estimated
13 that more than 21 percent of the population
14 of Puerto Rico had some form of disability,
15 a rate higher than the 50 states in the
16 nation.

17 However, many of these people with
18 functional diversity lack the resources and
19 financial assistance to cover their costs
20 and tend to their needs. There is no way
21 to prepare for a hurricane under these
22 circumstances.

23 People deprived of their liberties,
24 under the custody of the state, depend on
25 the governmental machine to see that their

1 rights are met. This requires adequate
2 planning, not only to ensure their lives,
3 but also the services they require.

4 The structures where our country's
5 prisons were built have historically lacked
6 the necessary elements to tend to
7 emergencies. Their construction has not
8 been adapted to the realities of a tropical
9 climate, and the structures have been built
10 without natural light or ventilation. For
11 over 100 days, without electric power,
12 without air conditioning, over 10,000
13 people in correctional facilities perished
14 and suffered the onslaught of the
15 hurricane, and no one spoke of that
16 population.

17 The situation with the homeless is the
18 gravest and most complex problem we face.
19 Analyzing it is tricky for many reasons.
20 This was one of the groups who was most
21 adversely affected from the impact of the
22 hurricane.

23 On the other hand, we documented the
24 discriminatory treatment received by
25 sexually diverse groups, particularly trans

1 people, who were markedly discriminated
2 against. Many of their claims for help to
3 FEMA were rejected because the information
4 in their database was incompatible with the
5 gender identity of the solicitant. The
6 information should have been sorted out in
7 the system before trying to access aid in
8 the midst of an emergency.

9 The food supply in the country was
10 greatly affected. Agriculture suffered a
11 large blow, and the closing down of ports
12 create a large supply [sic], the biggest in
13 our history. Investigators from the Milken
14 School of Health at George Washington
15 University concluded that the food supply
16 provided by FEMA after Hurricane Maria did
17 not comply with the United State's
18 nutritional guidelines. A strong
19 correlation was demonstrated among distance
20 and the long wait-periods for the
21 restoration of electricity, water and
22 telecommunications.

23 On average, homes spent 84 days
24 without electricity, 68 days without water
25 and 41 days without phone service after the

1 passing of Hurricane María. The impact of
2 the hurricane uncovered the vulnerabilities
3 of our structural framework. The hurricane
4 exposed profound economic and social
5 inequalities, and in our realities, which
6 must be overcome in order to be able to
7 fully exercise human rights. We are the
8 poorest jurisdiction in the entire national
9 territory.

10 If everything we've discussed seems
11 harsh, evens harsher was the experience of
12 the residents of the island municipalities
13 of Vieques and Culebra. In the written
14 document we get into some of the
15 recommendations to improve federal
16 agencies' responses. However, without
17 trying to polarize this discussion, a topic
18 which we cannot avoid discussing, a topic
19 from which we cannot escape if we intend to
20 have an honest reflection about the
21 discriminatory treatment which we Puerto
22 Ricans who reside on the island are the
23 object of, is our political situation.

24 In order to overcome all the problems
25 I spoke about, and inequalities in Puerto

1 Rico in the face of any future event, it's
2 necessary for the Unites States Congress to
3 deal with the issue of our political
4 situation in order to be able to fully
5 exercise our rights. And I am available to
6 answer any question.

1 population, due to the timely distribution
2 of over 5 million vaccinations which have
3 been administered.

4 But the violation of rights started in
5 1898, when Puerto Rico was invaded and
6 attacked militarily by the Navy War College
7 of the academy at Annapolis, Maryland,
8 since 1896, because of its foreign army's
9 espionage with plans to transform Puerto
10 Rico into a military and coal bunker, and
11 create a coup d'etat that would change the
12 course of our history and civil destiny,
13 against the autonomous will of prior
14 democratic elections.

15 The Puerto Rican experience tells us
16 that, due to the US's imperialist
17 intrusion, our sovereign life as a Latin
18 American country -- the US appropriated our
19 sovereignty and it took us and humiliated
20 us as bounty of a war we were not part of,
21 which led us to collective bankruptcy by
22 squandering and eliminating our surplus
23 goods, and eliminating our gold coin by 40
24 percent, the Puerto Rican "peso", in order
25 to make us incur in a deficit, and impede

1 the competitiveness of Puerto Rico in the
2 international markets, and in doing so,
3 completely take over our land and economy.

4 In consequence, Puerto Rico lived
5 through the worst, most extreme misery
6 during the first half-century, with
7 unelected foreign governors, of false
8 symbols selling us the "American Dream,"
9 and the broken promise of the lying
10 invader, General Nelson Miles, about having
11 brought supposed freedom and a splendidous
12 civilization to Puerto Rico.

13 In 1940, Puerto Rico became the
14 poorest country in America, below Haiti,
15 with an annual income of 121 dollars, an
16 illiteracy rate of over 80 percent of the
17 barefoot and hungry, and a deadly disease-
18 infested population.

19 In 1950, a portion of the patriotic
20 Puerto Rican citizens justified their
21 reason, in self-defense, due to the
22 oppression of the existing colonial slavery
23 which existed, and carried out an armed
24 nationalist revolution, justified by UNO's
25 international laws. But circumstances were

1 difficult, and our country continued being
2 lied to by the forces of United States
3 imperialism, working towards continuing to
4 occupy Puerto Rico without a true consent
5 of the governed.

6 After the Cold War, the established
7 regiment lied, and using institutionalized
8 violence, formalized a colonial
9 constitution, withdrawing the collective
10 right to the 348 sovereign decision-making
11 powers, which were stolen. This was a
12 false constitution, as the United States
13 selected 20 percent of rights for total
14 health, for an integrated educational
15 system and for the right to dignified
16 labor, confusing the people of Puerto Rico
17 after they had excitedly voted.

18 The United States, for its personal
19 unequal convenience, came up with a trick
20 in order for Puerto Rico come out the
21 loser, under any which way, under a
22 relationship based on mistreatment, since
23 Puerto Rico belongs to, but is not part of,
24 the United States. Trying to understand
25 what that means.

1 failed to comply in two plebiscites and
2 requested referendums, and another nine
3 carried out, and 39 resolutions for
4 decolonization of Puerto Rico by the United
5 Nations.

6 In response to this, national
7 patriotic Puerto Ricans have been obligated
8 to recur to our right of peaceful civil
9 resistance, in self-defense, against
10 American aggression. Because during five
11 continuous generations, 124 years of a long
12 wait for our freedom has transpired.

13 In sum, we conclude that US presence
14 has never had legitimate authority because
15 it has been illegal in Puerto Rico from the
16 beginning. Protected under international
17 law, we reject the imposition of colonial
18 servitude on our Puerto Rican people, and
19 we claim to the United States of America
20 the just and quantified monetary
21 compensation of 3 trillion dollars which,
22 since 1898, are due to us in lieu of
23 compensation by damages.

24 We aspire to have a good relationship
25 with the United States of America, in

1 is supposed to be a free democratic
2 society.

3 The moment when Puerto Rico was passed
4 from Spain to the United States, was a
5 moment in which the nation was in an
6 expansionist politic which historians have
7 called "imperialistic," which began with
8 the control of small islands in the
9 Pacific, Atlantic and other oceans and
10 seas, in search of guano accumulated from
11 marine birds, to be used as fertilizer for
12 increasing the production of food in the
13 states of the Union due to an increase of
14 population.

15 Due to time constraints, I find myself
16 obligated to summarize my point of view.

17 At the beginning of the 20th century,
18 the Supreme Court of the United States
19 established a legal structure and framework
20 for the cases known as the "Insular Cases,"
21 which served to segregate and discriminate
22 against the citizens of the conquered
23 territories in 1898. Puerto Rico's
24 population was affected, in spite of the
25 fact that, under the Jones Act of 1917,

1 American citizenship was granted to the
2 citizens of the territory.

3 The Supreme Court established that the
4 Constitution and its civil rights were not
5 automatically extended to the citizens of
6 territories. In other words, Congress had
7 absolute powers under the territorial
8 clause in order to discriminate against its
9 population. See Insular Cases:
10 Deannexionist Doctrine by Professor
11 Christina Duffy Ponsa, of Columbia
12 University.

13 During the first decades of colonial
14 control, Washington used these powers to
15 build a public infrastructure which did not
16 exist under the rule of Spain, roads,
17 bridges, schools, hospitals, docks and
18 universities, et cetera.

19 During the 30s, Puerto Rico's
20 population was used as a laboratory to
21 carry out tests on the effects of viruses,
22 very similar to those carried out in
23 Tuskegee, Alabama, between 1932 until 1972,
24 with the syphilis virus. These tests were
25 carried out by Dr. Cornelius Rhoads, a

1 Public Works and I was executive director
2 of the Puerto Rico Infrastructure Financing
3 Authority during the 1990s. I come here --
4 and I will summarize my presentation
5 because I gave it to you.

6 In essence, I am a person that is well
7 versed in the issues of infrastructure.
8 When the disaster occurred in Puerto Rico,
9 Congress decided, through the Bipartisan
10 Budget Act, to not only repair the damages
11 to the level they were -- to the conditions
12 they were just prior to the disaster, but
13 it identified critical systems, that they
14 should be put into the condition of
15 industry standards. In other words, not
16 only fix it, but improve it. So that
17 finally happened for water infrastructure,
18 power, schools and medical facilities.

19 The BBA, in section 20601, established
20 the mandate to FEMA to replace or restore
21 the function of a facility or system to
22 industry standards, without regards to the
23 pre-disaster condition of the facility or
24 system.

25 The definition of critical facilities

1 was not part of the legislation. So FEMA
2 went ahead and made its own interpretation
3 of critical facilities. The only place
4 that critical facilities are mentioned in
5 the Stafford Act is when it relates to
6 non -- to, basically, private nonprofit
7 facilities: PNP. So FEMA can provide funds
8 to PNP, private non-for profit facilities.

9 And the only place in the Stafford Act
10 that mentions critical facilities is when
11 it relates to that type of critical
12 facilities, when it refers to that kind of
13 recipient. And there, they don't mention
14 roads and bridges, because the PNP do not
15 work on roads and bridges. Because that's
16 typically a condition that is handled by
17 state governments and local governments.

18 So, in summary, FEMA did not recognize
19 the Puerto Rico transportation
20 infrastructure as a critical facility. And
21 that completely makes no sense. In any
22 other place in the United States that that
23 would happen, that definition will be
24 implemented, it would have been fought, it
25 will be challenged and the place, the

1 state, the city will have prevailed.

2 I tried personally. I explained it to
3 them. But I think, basically, this is a
4 decision to save money, not to really
5 address the congressional mandate. The
6 congressional mandate is to not only fix to
7 the condition prior to the disaster, but
8 really to make it better after, so that it
9 will be better for another disaster.

10 Let me give you one example. The
11 signage system in Puerto Rico, "road
12 signs". And if you have been here a lot,
13 some time, you will know that it is a
14 disaster. So they were damaged during the
15 Hurricane María, as you can expect. So
16 because of the PNP -- FEMA's
17 interpretation, they went along to identify
18 the location of each damaged signage and
19 then they only allowed to repair the
20 signage that was damaged. If the critical
21 facility congressional mandate were
22 implemented, you not only will replace or
23 fix that sign, you will replace all the
24 signage system in Puerto Rico to industry
25 standards. And that means a lot.

1 Today, if you walk around, you will
2 see traffic lights that still do not
3 work, today. And why is that? Because we
4 have to go one by one and demonstrate that
5 it was -- they are in the current condition
6 because they were affected by María.

7 So this is critical. This is really a
8 violation of our civil rights and is really
9 a discrimination, because we don't have --
10 as you know, we don't have anyone to talk
11 to.

12 And sometimes -- to finalize, I know
13 my time is out -- the problem is that
14 Puerto Ricans don't challenge authority.
15 Okay. Puerto Rico should have sued the
16 Federal Government for this a long time
17 ago. But we believe in our colonial
18 mindset that this will be a kind of going
19 against the metropolis. This is looking
20 for our rights.

21 So my request to this honorable board
22 is to request FEMA to modify their policy
23 so that they include the transportation
24 system as part of its critical facilities.
25 And you will do -- if you are here to do

1 did.

2 Unbeknownst to the owners, on December
3 4, 2017, he referred -- he received the
4 first amount from Chubb for a million
5 dollars. On December 27, 2017 -- what, two
6 and a half months after the hurricane, he
7 received another 3.5 million.

8 In February 2018, he sold our claims
9 without our consent to Attenure, a New York
10 based hedge fund company. He received a
11 1.5 million advance. And then, they would
12 go back to Chubb and renegotiate hopefully
13 for 30 million. This was completely
14 illegal. We never received our settlement.

15 And in February 2018, he began
16 renovations in the building. He replaced
17 the pool. The pool was not damaged. He
18 fixed the Lanai -- those are the ones that
19 he claims that he owns, we don't know,
20 allegedly. And he took down the automatic
21 doors. That's an ADA violation.

22 He also started construction on a
23 building across from our building. And he
24 connected the waterlines and the
25 telecommunication lines to our building.

1 However, four years later, nothing has been
2 done. Our building is in complete
3 disaster. Cement is falling. The
4 extractors were never replaced. The
5 mildew, the mold, the humidity in the
6 building is unhealthy.

7 The building has a lot of retirees. I
8 am one. And people that are ill. He
9 threatens us with cutting off our power and
10 to shut off our electricity. We pay our
11 own electricity and the water is included
12 in our maintenance bill.

13 So, under Law 22, it has only -- well,
14 in my experience, and I have read in the
15 papers, in the local papers, that it has
16 caused -- the people that are coming here,
17 not all, have taken advantage of the
18 island, have destroyed the environment.

19 He created a pile of rubble when he
20 did some construction. And it's still
21 there, for four years. And it is rat
22 infested and it smells. It's right on the
23 beach. We are on the beach. Okay. These
24 things destroy the environment.

25 At the banks, the insurance companies,

1 all the governmental agencies, the
2 politicians, the minute I mention his name
3 I am vilified. I am chastised. I am
4 slapped with frivolous lawsuits. And he
5 knows how to abuse the judicial system
6 against the people. He has done nothing
7 for the island, except take, take, take.

8 I live in fear. The building is
9 uninhabitable, which I think is his -- I'm
10 just guessing, because if the building is
11 declared uninhabitable, it can be bought in
12 an auction for nothing, for pennies. And
13 then he can come in and buy it -- get the
14 incentive.

15 And then, I was informed by a
16 reporter -- I brought in a reporter from
17 the Miami Herald, he said, "You can sell
18 the incentive". I don't know what that
19 means. I don't know if there is an
20 oversight board. But if Law 22 has to be
21 revised or repealed, and there has to be an
22 oversight board -- because all it has done
23 is siphoned money from PR.

24 And I -- and the politicians are in
25 with him. The corruption is unbelievable.

1 He brings in people that were in the
2 previous administration and in the present
3 administration.

4 My own attorney told me on Monday,
5 "I'm sorry, I can't do this for you.
6 Because his attorney is a former senator
7 and he would destroy my career and I would
8 never win." So, this is the level of
9 corruption that we live under.

10 And then, I live in fear because I am
11 threatened. I'm imprisoned. I can't move
12 out of my apartment. I lost property value
13 because the building looks like a favela in
14 Brazil at this point. So, I have the
15 photos.

16 And now, because we have a trustee, he
17 sends out a letter on January 21, 2020 --
18 no, January 21, 2021, that, "We conducted a
19 preliminary inspection to determine the
20 reasons for the high levels of humidity
21 present in ESJ Mare Hotel" -- he changed
22 the name of the building. You can't do
23 that. You don't own a building. We've
24 asked the trustee to return it, "No, let
25 him do what he wants."

1 So, I go to DACO, supposed to protect
2 the consumer. They protect him. He's not
3 certified. He's not licensed. The DACO
4 law, the regulation Law 129 says that by
5 July 20, 2021, he had to be certified. I
6 put in my -- I asked for verification from
7 DACO online. They tell me, "Call me". I
8 call them; won't answer me. I go down in
9 person; they stand at the door, they don't
10 let me in. And I say, "Well, I want to
11 know if this is -- because otherwise, we
12 have to get, as the law requires, a
13 certified licensed administrator."

14 "We don't have to answer you,"
15 whatever. And that's what I get.

16 I go to OGPe; he has no permits.
17 Everything is done here because he is
18 politically connected.

19 And the little people are suffering.
20 The people in our building are old.
21 They've lived on this island for years.
22 And they live in fear of broken elevators,
23 of vermin. This is his depravity -- his
24 level of depravity.

25 During COVID, the building was closed.

1 National Rural Water Association. Those
2 were the people who were going to aid in
3 the collection of funds. During that time-
4 period from 2017 to 2019, they had to
5 recruit an engineer, and that is in the
6 capacity I come in.

7 I submitted an estimate on their
8 behalf, a petition, for every year.
9 Obviously, the damages must be corrected,
10 but corrected according to present codes.
11 And that is how it became accepted by Rural
12 Development.

13 At the beginning of the process of
14 assigning funds, funds were requested along
15 with everything they asked for at that
16 moment, that moment, I repeat. After that,
17 they asked us to put together a contract
18 because we needed one. This is the
19 "Engineers Joint Contract Documents" for
20 the contract that they accepted. That
21 contract cost 200 dollars. Obviously, the
22 community pays for it because the estimate
23 had already been submitted.

24 That contract has about 200 pages and
25 it has to be molded according to the type

1 of project. We molded it. We submitted
2 it. To our surprise, when they reviewed
3 it, they say it's not the contract because
4 it's a 2020 version, and within their
5 procedures, it must be the 2014 version.

6 So from there, six, seven, eight
7 months go by. We get the 2014 version.
8 The same procedure is carried out. It's
9 submitted. It's reviewed. It is assumed
10 that it's the final contract for the
11 assignment of the rest of the funds.
12 Because in the meantime, the community
13 requested an advance of the funds to pay
14 for the construction permit request, the
15 environmental document and the agencies'
16 recommendations on infrastructure. All of
17 this is stated there.

18 After that -- that contract goes to
19 their legal division, during which time
20 more revisions of the contract took place.
21 In those other revisions, the community was
22 asked for insurance to cover their
23 facilities, insurance for the engineer and
24 insurance for the contractor. Those monies
25 for the insurance had not been taken into

1 the people, the resignation of our governor
2 during the summer of 2019. And we also
3 received, like the rest of the world, the
4 COVID-19 pandemic. I don't believe there
5 is another country in the world which has
6 demonstrated more strength.

7 Of course, I appreciate the space to
8 be able to express before people who, to
9 me, to my understanding, by definition,
10 have the responsibility to look out for the
11 protection of civil rights. And I include
12 social, economic, cultural and
13 environmental rights for the residents of
14 Puerto Rico. You have to respond to the
15 thousands of complaints of fraud in issues
16 which deny our citizens of their
17 fundamental rights.

18 Precisely, I want to start pointing
19 out actions which fall short in protecting
20 our civil rights, something that catches
21 attention every day.

22 In the same way it has happened on
23 other occasions, and which happens without
24 negative consequences, and with impunity
25 for many years, are the recurring

1 accusations of public servants
2 appropriating themselves of public
3 resources for their own benefit, resources
4 which should have been used to satisfy the
5 needs of our people.

6 Tell me if this is not a violation of
7 fundamental rights, as I define them. That
8 is why these acts, and many that go
9 unnoticed after almost four years after the
10 passing of Hurricanes Irma and María -- we
11 are still waiting for the minimum effort
12 that needs to be done to fix roofs which
13 people still have to repair.

14 Today, before all of you, I must
15 confess that I have vivid memories of the
16 winds that a Maria, in its passage over us,
17 devastated the entire island. However,
18 hurricanes only showed us how fragile the
19 infrastructure that for decades we've known
20 would not hold up to the task of saving
21 lives and the assets of our citizens.

22 This forces us to ask the question,
23 how much longer do we have to wait, how
24 many lives, in addition to the 3,000 lives
25 that were lost as a result of the inaction

1 of the state, municipal and federal
2 government.

3 Also today, as part of the complaint
4 presented, I want to leave before you that
5 my country presents one of the highest
6 levels of worldwide inequality between the
7 haves and the have-nots, caused mainly by
8 the lack of transparency, of equality and
9 fairness in the distribution of resources
10 to the population.

11 I would like to see justice done by
12 the equal treatment of our elderly, who are
13 American citizens and who are discriminated
14 against even though they contribute equally
15 to Social Security. I want to present this
16 before you, that I think it's an
17 embarrassment for the United States to have
18 citizens like us pay the same amount and
19 not receive the same compensation.

20 Today I want to denounce before you
21 the unfair treatment of our residents of
22 the island municipalities of Vieques and
23 Culebra, who do not rely on safe or quality
24 means of marine transport, in addition to
25 not having appropriate health services

1 within their islands.

2 Today we denounce before you as well,
3 that our archipelago has over 150,000 human
4 beings who live without drinking water and
5 who are putting their health and wellbeing
6 at risk.

7 Here today, we highlight our
8 denouncement that our country has six out
9 of every ten living under poverty levels
10 and who only have one meal a day available.
11 The girls and boys depend on school
12 cafeterias when they are open. But the
13 reality of this is that they depend, in
14 their majority, on non-profit organizations
15 who distribute food.

16 We are the only territory in the
17 United States who is obligated to use the
18 ships of the most expensive merchant marine
19 in the world. And products that we make in
20 our country, we have to pay triple. This
21 is a reason why we are impoverished.

22 We denounce that no law exists in
23 Puerto Rico for forceful expropriation in
24 order to make justice for our people's
25 lands. It is urgent to make sure that all

1 the recovery process has been successful,
2 that it has reached expectations, that my
3 people have a safe home, have a good
4 quality of life, have social justice. But
5 I can't.

6 Today, after a little bit over four
7 years since the passing of Hurricanes Irma
8 and María, we cannot say that our
9 archipelago is in a better condition, or
10 even a stable enough condition to say that
11 the people who live here have access to a
12 dignified life. A situation which, without
13 a doubt, has become worse by the
14 earthquakes and the pandemic.

15 That means that our still considerably
16 affected communities have homes in poor
17 conditions, with worn blue tarps, and
18 affected folks who have been denied aid.

19 This is evidenced in a country in a
20 deteriorated physical and mental state.
21 Families have been separated with the need
22 to migrate. Others have had to move from
23 their communities. We continue to drag
24 crisis after crisis after crisis, evidenced
25 by others after each tragedy happens.

1 Before this, in the summer of 2018, a
2 group of community leaders got together.
3 On that occasion I assisted as part of the
4 leadership of Caño Martín Peña. And I
5 realized, not only the power we've always
6 had in our communities to achieve results,
7 but also that the reason this country holds
8 together is thanks to the virtue of
9 solidarity which characterizes our people
10 and for the ability to organize when
11 needed.

12 There we sat and thought about how we
13 would immerse ourselves in the recovery
14 process. I remember when the tragedy was
15 still alive; just a little bit over six
16 months had transpired since María
17 devastated us. We remembered how federal
18 agencies made us feel abandoned. They did
19 not facilitate access to the post-disaster
20 aid processes, even though the people were
21 in shock, worn out, devastated, having to
22 deal with family and social complications
23 which surged after the natural disaster.

24 There were people who were never
25 visited by the authorities. Others

1 indicated that there was only food "thrown"
2 at them without a thought. We knew that
3 federal authorities had arrived but were
4 inaccessible, due to them being in the
5 capital city, to not speaking our language,
6 to having to solicit aid on the internet in
7 a country where communication had
8 collapsed. Some people remained without
9 electricity; many others were trying to
10 begin to organize while still providing
11 support to our neighbors.

12 In spite of the crisis, the commitment
13 to fight for our country and its people
14 remained intact. PRODEV was born from
15 that, the group with which -- who we are
16 with today. And afterwards Firmes, Unidos
17 y Resilientes con la Abogacía, also known
18 as FURIA, which is the organization I
19 represent today.

20 We promote community resilience
21 through participative advocacy and we
22 provide educational and companionship. In
23 this process of companionship we've been
24 able to identify significant problems.

25 One, an inability to gain access to

1 help, including immediate help from FEMA,
2 due to requirements, such as the issue of
3 formal titleship. Two, the imminent risk
4 of displacement of communities due to the
5 lack of comprehensive planning and
6 considering the possibility of mitigation
7 and adaptation. Three, the difficulties in
8 reaching CDBG-DR funds because of strict
9 requirements of the program, including the
10 requirement of reimbursement. Four, the
11 designation of 90 percent of this country
12 as opportunity zones, without the need for
13 community participation or vision in the
14 process.

15 In other words, when we say the
16 recovery process has been rushed, we mean
17 that we repeatedly see these type of
18 government actions, at a local level as
19 well as at a federal one, which result in
20 discrimination against persons and groups
21 of people by reason of social condition,
22 which goes hand in hand with skin color,
23 age, functional diversity and gender.

24 The communities who are most in need
25 of support are the ones who are receiving

1 from that day. I took everything. I owe
2 nothing. Everything is fine.

3 I didn't have a place to live so I
4 went to live at my mother's house, in a
5 little room, but it leaked. I slept on the
6 bed -- even the bed got wet. So I went to
7 Bayamón, to the Jennys. I was there two
8 years, but, you know, in those two years,
9 you know, on the floor because, when there
10 were shootouts, we had to lie on the floor,
11 because that was a place -- but up until
12 there God helped us and took care of us.

13 So my children took me to Texas with
14 them. They got me an apartment, everything
15 nice. A room, everything. My daughter
16 bought me everything, and my son. And i
17 had to travel because R3 told me that I had
18 to be here for the inspections. So I said,
19 "Well, I'm going to have to turn it over
20 because I don't know how long they are
21 going to take."

22 So I turned over my apartment, in
23 which I lived like a queen. Thank God my
24 children -- there are only few who do that
25 for their parents. So now my brother

1 received me here in Puerto Rico. I stayed
2 with him for three months. I mean, I'm
3 like rolling off from one place to another.
4 And I am not -- I am no longer in a
5 position to be rolling around. I am not a
6 ball.

7 So the United States sent that money
8 to Puerto Rico. The money is there. So,
9 what are they waiting for? What are they
10 waiting for? Because they carried out the
11 inspections. Every time I was inspected,
12 "Hey, when will you let me know?"

13 "Give it two to six weeks."

14 They did it a second time: "Two to
15 six weeks." The third time I know -- I
16 don't owe anything. I mean, it's not on my
17 part because I did my due diligence. I owe
18 nothing, like I say now. So who am I going
19 to leave this fight up to? Well, not just
20 me, everyone. Because it pains us to our
21 soul. It hurts in our soul.

22 Because the aid is there. "Look, that
23 money is not yours. Do what you need to
24 do." Because with the money they've
25 allocated, it's enough to reestablish all

1 of Puerto Rico, I believe twice or three
2 times over.

3 So then, "No, pass by tomorrow." And
4 the other excuse is, "The evaluations
5 haven't arrived." Since I went -- the last
6 day that I went to Bayamón was on December
7 2. And it says here, "I am requesting a
8 solution for the issue of my housing." And
9 I am tired already. It's physical and
10 emotional.

11 Because -- and I tell them, "Look, you
12 all live in nice houses. You would like
13 your children, your family to pass -- I am
14 not the daughter or neighbor or friend of
15 the governor or mayor. I am a daughter of
16 God. Listen to our voices because that's
17 what you're here for." Because they're
18 getting paid. They are not there for free.
19 So, I think that the longer they take to
20 solve our problems, they are charging for
21 that. Because they are not there for free.

22 So who do I have to wait for to get
23 something solved, and not only me. Because
24 when I arrived by plane, I saw Puerto Rico
25 full of blue tarps. That's what you see,

1 tarps and no roofs.

2 So who am I waiting for -- today I
3 came here to see if you can help us. If
4 our voice can travel beyond in order to
5 know. Because the money is here.

6 CHAIR CANTÚ: (In Spanish) Anything
7 else?

8 MS. MÁRQUEZ: No, no. That I hope
9 you help us. That this voice -- we who
10 came here to expose and that -- because I
11 never thought I'd be here, but I did it
12 because of my needs, their needs.

13 Oh, and another thing, they want to
14 send help to social services, for them to
15 be -- listen, in the rural areas in the
16 center of the island, there are still
17 people who go to bed without food. The
18 food stamps there -- help does not arrive.
19 Legislate towards that, that they go in
20 there, to the center of Puerto Rico, where
21 there are still people who cook over wood,
22 that don't have a stove, what don't have
23 anything to eat. See that, the need of
24 the poor, because that is not being seen.

25 And appoint people to government

1 that -- look, they should go out and feel
2 what poverty is. While they have money in
3 their pockets, they don't know if we eat,
4 if we sleep, if when it rains or doesn't
5 rain we get wet. I hope that voice, you
6 guys take it somewhere else and we get
7 help.

8 CHAIR CANTÚ: (In Spanish) Thank you.

9 MS. MÁRQUEZ: (In Spanish) May God
10 bless all of you. And I'm sorry, but
11 I've never spoken. But forgive me.

12
13 CHAIR CANTÚ: (In Spanish) Bless you.

14 (In English) Blessings to you to.

15 We saw what you saw.

16 (In Spanish) We saw what you saw,
17 the tarps everywhere.

18 (In English) Those tarps on all --
19 we saw that with our own eyes. So, we
20 are so very happy that you came again to
21 talk to us.

22

23 (In Spanish) Thank you.

24 Your name, sir?

25 MR. SANTIAGO: (In English) My name is

1 Andrés Santiago Cruz. I am the owner of
2 Abuelito's Construction, centralled in
3 Grand Rapids, Michigan. Originally, when I
4 was called here by my stepmother, I could
5 not come immediately. I was working for
6 the Chicago Public Schools.

7 During the 2017, 2018 winter break I
8 was able to come. Of course, it was not a
9 vacation. It was to come here and fix the
10 driveway roof, the three apartments that my
11 father made for my stepmother so that she
12 could live and be able to sustain herself.

13 At that time, she was alone.
14 Everybody move out from the apartments.
15 Her family left to the Dominican Republic.
16 And the two tenants were not able to stay
17 in the apartments; they were destroyed.

18 When I arrived, I was working for the
19 Chicago Public School. And I always get
20 contracts on the side as a contractor. I
21 came here so exhausted that when I looked
22 at the job, I was like, "Oh, my God. How
23 I'm going to do this?" I went to sleep. I
24 remember I woke up in the morning -- and
25 sometimes you have to rest to see what you

1 need to do -- and I told my stepmother that
2 I would fix Uva's apartment, one of her
3 coworkers, so that he could move in. And
4 fix the "marquesina" (driveway), the roof
5 to the "marquesina" and the gate to the
6 marquesina, because she felt unsafe. There
7 was a lot a crime during that time as well.

8 I was able to, within those two
9 weeks -- she even told me to, "Go to
10 Yabucoa, go to Moca". Like I usually would
11 do during the Holidays. I told her, "No,
12 Caguas. Me to stay right here", you know,
13 with her. And she saw me working very
14 hard.

15 Then I was told -- I would come
16 frequently after that 2018 school break.
17 Where I came up to maybe six times
18 afterwards to fix the other apartment. To
19 fix another apartment that its roof was
20 leaking, and to do many other repairs. I
21 actually was able to find Interamericana,
22 and I became a student here at the law
23 school.

24 And back then, my stepmother mentioned
25 that, you know, she would give me money

1 when FEMA comes. Until today, I have not
2 received any funds. I don't know what to
3 do. I know we've been taking care of the
4 title matter with the property. And it has
5 become a matter were I'm still waiting for
6 the title of the property. I'm sure many
7 people here in Puerto Rico, like me, do not
8 even know what to do until today. I've
9 heard many discussions.

10 And I think that it's very important
11 to give these resources so that we can know
12 how to submit our receipts, our expenses,
13 the labor that we pay for. So that if
14 there is funds available for us, even
15 the -- have claims today, they can show the
16 proof of the work they've done, and how can
17 we do that.

18 CHAIR CANTÚ: (In English) Thank
19 you.

20 MR. SANTIAGO: (In English) Thank you.

21 CHAIR CANTÚ: (In Spanish) Your name?

22 MS. HINOJOSA: (In English) Hi. My
23 name is Jennifer Hinojosa and I'm the
24 director of research for the Center for
25

1 Puerto Rican Studies at CUNY Hunter
2 College. But thank you for the opportunity
3 to present you before my testimony as a
4 researcher on FEMA's role in disaster
5 preparedness and response to Hurricane
6 María in Puerto Rico.

7 My role is to manage projects related
8 to Puerto Ricans in Puerto Rico and the
9 U.S. mainland and to integrate GIS
10 capabilities at the Center for Puerto Rican
11 Studies. As a geographer by training, my
12 second role is to develop, with my team,
13 GIS platforms such as web map applications,
14 and to integrate Puerto Rico's social,
15 demographic disaster and economic related
16 data with GIS mapping capabilities to
17 address the current and future challenges
18 related to post Hurricane María.

19 Therefore, to get to the point, data
20 is very important, especially reliable
21 data. And especially to see if any civil
22 rights implications to disaster relief were
23 violated, especially among the marginalized
24 and isolated communities who are often
25 overlooked.

1 Therefore, we need the following.

2 Data sets collected by FEMA should include
3 geographic distributions of individuals by
4 race, color, national origin, age, and
5 disability status and language. We need
6 data related to denied FEMA claims to see
7 where they were denied and if this is
8 really and truly a CENTRO or rule issue.
9 For example, it's difficult to know who and
10 where FEMA claims were denied and who did
11 not receive any access to aid. This is
12 valuable insight and a much needed one
13 today.

14 We need better data transparency and
15 data standardization when collecting
16 information from individuals and households
17 seeking aid, especially when it comes to
18 location, but at the same time protecting
19 identities and locations.

20 I would like to note, we've been
21 fortunate at times in via for a request, to
22 develop a communication line with FEMA in
23 obtaining data, but it's still not enough.

24 To end this, it is important to
25 systematically synchronize data collection

1 and develop a user-friendly platform to
2 enable not only researchers, but also
3 community leaders, advocacy groups and
4 community residents, citizens, nonprofits
5 who are on the ground, to access such
6 important information related to disasters
7 in their own communities and the impact it
8 had on their homes. Thank you.

9 CHAIR CANTÚ: (In English) Thank you.
10 Thank you very much.

11 (In Spanish) Your name?

12 MS. IRIZARRY: (In Spanish) Good
13 afternoon. My name is Mrs. Modesta
14 Irizarry.

15 CHAIR CANTÚ: (In Spanish) Welcome.

16 MS. IRIZARRY: (In Spanish) Thank you.

17 CHAIR CANTÚ: (In Spanish) Don't
18 cry.

19 MS. IRIZARRY: (In Spanish) It is an
20 honor for me to be here alongside my fellow
21 speakers. While listening to the prior
22 speaker, I've remembered everything we've
23 gone through because of Hurricane María.
24 But above all other things, I want to thank
25 you for this space, this opportunity we are

1 given today. I would like to thank the
2 folks at Ayuda Legal Puerto Rico the
3 invitation, as well as the other speakers
4 during the morning session, who have been a
5 great support to our communities, and we
6 must recognize the work they have been
7 carrying out during all this time.

8 I have been sad because it is very
9 unfortunate to have to recall all the
10 situations that our country and communities
11 have gone through, where, during a moment
12 of tragedy, with the resources and funds
13 that arrived, the funds approved, our
14 people could be better off than they were.

15 Unfortunately, as we have expressed in
16 the forums, corruption has hurt our
17 country, with all the money that has been
18 embezzled and misused, which was assigned
19 to help our people have decent housing and
20 good health benefits. And that due to the
21 insistence of a federal agency such as
22 FEMA, insisting on not providing aid to
23 people because they lacked access to a
24 document, property deeds, and with such a
25 strict protocol in the midst of a tragedy,

1 where many people profited from the pain of
2 the communities in order to gain personal
3 benefit, which is still the result we have
4 today with our government. We must say
5 that thanks to the efforts of non-profit
6 organizations, we were able to help our
7 communities move forward.

8 It is very sad to have seen so much
9 hidden food, so much aid that was received
10 from different places to help the people to
11 be okay in the midst of such a terrible
12 crisis.

13 As I've expressed previously, we have
14 people living in the mountains who, up
15 until today, do not have the necessary
16 health, transportation services, and
17 services and access to a school where our
18 children can learn. The same thing is
19 happening in many communities presently.

20 It is extremely sad to see, on a
21 personal basis, how seniors request from
22 community leaders such as ourselves, who
23 have one-on-one access with the people,
24 still don't have the ability to repair
25 their homes or that there are not human

1 resources to do it.

2 Because of this, we demand that our
3 people have proper housing. That our
4 elderly not have to be begging for the
5 services they deserve. That our health
6 services be the best. Better
7 transportation. There are many towns that
8 do not have proper transportation yet.
9 Loiza only has AMA bus service and public
10 transportation is still not available.

11 Educational services need to be
12 improved. With all the funds that this
13 agency has received, our children are still
14 spending very little time in schools, even
15 with the situation which has occurred.

16 Experiences such as Tu Hogar Renace,
17 which was terrible, how they stole so much
18 money to repair a toilet at exorbitant
19 costs like 1,000, 2,000 dollars. for
20 something that didn't even cost hundreds of
21 dollars, or 200 dollars. This is why all
22 of this needs to be evaluated.

23 Media and communication.
24 Telecommunications such as telephone, local
25 radio stations, are still charging citizens

1 as if they provided good services, which is
2 not correct.

3 Because of this, on this afternoon I'd
4 like to highlight the superhuman efforts of
5 our community leaders and non-profit
6 organizations. My applause and respect to
7 my coworkers who today gave a shining
8 example for Hurricane María. And we are
9 still doing it.

10 I would also like to thank an
11 organization who is still helping us today,
12 Caritas de Puerto Rico, for their service.
13 Today we are still distributing food
14 supplies. Because people believe that
15 poverty has to do with malnourished
16 children, poorly dressed, living on the
17 streets. And one must carefully read the
18 report on poverty in our country, which was
19 published recently.

20 So thank you. And I would like to
21 request respect for each citizen of Puerto
22 Rico, so that they don't have to be begging
23 the United States for anything, nor
24 Congress, because we are human beings.
25 Thank you.

1 CHAIR CANTÚ: (In Spanish) Thank
2 you.

3 (In English) We have a speaker.

4 COMMISSIONER YAKI: (In English) I just
5 want to make a little --

6 CHAIR CANTÚ: Very brief.

7 COMMISSIONER YAKI: Yes. I'm just
8 going to say for Andrés and -- I can't
9 remember here. I'm so sorry.

10 CHAIR CANTÚ: ¿Modesta?

11 COMMISSIONER YAKI: If you were --
12 have instances where you filed with FEMA
13 and you didn't hear anything, or your
14 mother -- your mother did, make sure that
15 you give your contact information to
16 someone on our staff back there. So that
17 we can take a look at that, possibly, for
18 you.

19 CHAIR CANTÚ: (In Spanish) If you
20 have any unanswered requests, please,
21 give us those reports and put it in
22 writing and -- we need that. Si ustedes
23 pidieron solicitud y nadie les contestó,
24 por favor, darnos esos informes y ponga
25 algo por escrito y -- we need that. What
you know

1 is something very important to us.

2 MS. IRIZARRY: (In Spanish) There were
3 people who were approved supposed loans and
4 never received the money.

5 CHAIR CANTÚ: (In English) Yes. Yes.

6 MS. MÁRQUEZ: (In Spanish) I never
7 received anything. My house doesn't -- I
8 lost -- I mean, I have a refrigerator, a
9 stove, everything -- everything I lost is
10 still there. I have no roof. I have
11 nothing. I don't have where to tie a tarp
12 from. I don't have a place to tie a tarp
13 from.

14 CHAIR CANTÚ: (In English) But when
15 you all write a complaint, or when you all
16 write about what you -- what you wrote
17 today, if you can think of more things to
18 put down on paper for us, we will really
19 look forward to hearing that.

20 MR. SANTIAGO: (In English) Is this
21 the email to send it before the time?

22 CHAIR CANTÚ: (In English) Yes.

23 COMMISSIONER YAKI: (In English) You do
24 that.

25

1 CHAIR CANTÚ: (In English) Yes, please.

2 (In Spanish) Is there anyone else who
3 would like to present their...?

4 Yes, sir. Say your name, please.

5 MR. ROSADO: (In English) My name is
6 William Rosado Ramos. My number is 15.
7 Please -- I'm going to continue in Spanish.

8 CHAIR CANTÚ: Yes. (In Spanish)
9 Please do so.

10 MR. ROSADO: (In Spanish) I am a
11 senior citizen, as we are called. I am
12 starting this stage in life, only 69.
13 Aside from that, handicapped. I am in
14 functional diversity, as you can tell. I
15 live on a dead-end street. Of all the
16 homes, mine is the last, where everyone
17 has to make the turn to exit.

18 At this time I can tell you all that
19 I haven't seen one person, not from my
20 country, nor from the United States, nor
21 from any place, that has come by to ask me
22 how I am doing. Nobody has brought a
23 plate of food.

24

25 I've asked for assistance, because I

1 used to have a person during three years
2 who did housework. Cooking, washing
3 clothes. And sometimes, when I was
4 bedridden, this person would also help me
5 take baths.

6 It's shameful that in this day and
7 age, we have to come here to declare things
8 everyone knows. This is nothing new. And
9 this should not only be in Puerto Rico, I
10 know that many states are going through the
11 same thing. But it is unreasonable and
12 inhumane to have people begging, asking for
13 favours, when they gave their lives.
14 Because I was also in the military. What
15 good is it to have served in the military
16 or in public service here in Puerto Rico,
17 when one finds oneself abandoned.

18 The children I raised, they all left
19 Puerto Rico. They don't want to even hear
20 about Puerto Rico. They feel
21 uncomfortable. They feel rejected,
22 humiliated. So, they live where they think
23 they can grow. They are working. There
24 are two who have churches; they are giving
25 what they know.

1 But to come to Puerto Rico and see so
2 many blue tarps from the sky, and go house
3 by house -- where we can gain access,
4 because there are places where you still
5 can't go in. They are inaccessible.

6 In my house I have cracks and I
7 received 25,000 dollars to begin repairs.
8 At the end I was told, "Your house needs to
9 be torn down, but the cost to do that and
10 build a new house is over 200,000 dollars.
11 Wouldn't you rather we help you find a new
12 place to move to? We can give you 250,000
13 but you have to go."

14 I said, "But I've lived here for over
15 35 years. I feel comfortable here. Why do
16 I have to leave a place I know for
17 somewhere unknown?"

18 And I still haven't been able to begin
19 to pay back SBA for the 25,000 loan. And
20 the pandemic came and I became stuck on all
21 sides. And I am eager to pay off that
22 debt. It's not that I can't stand it, but
23 I feel uncomfortable about not receiving
24 help or assistance from anyone.

25 And all the money that I have, I have

1 to invest in repairing cracks, in the
2 removal of debris and to do wonders in my
3 home. Because the person who helped me at
4 home left to Texas. Now she's in New York.
5 I mean, I don't understand.

6 "Puerto Rico does it better," that's
7 what they always say. But where? I'm
8 waiting for someone to tell me where they
9 do it better. Right now we have no
10 schools. We have to change our school
11 system. It's -- as we say here in good
12 Spanish -- "old fashioned." It doesn't
13 work. We need to use new strategies in
14 order to attract students to go to school.

15 For our senior citizens, we have to go
16 house by house and carry out a census to
17 see where they live, where they reside, if
18 they are eating, who is providing
19 assistance. If this census is not carried
20 out and a list of the locations of these
21 people is made, one of these days we'll get
22 another Maria and we'll lose more old
23 folks. If that is the strategy, to kill
24 off the old folks, then we do nothing. Sit
25 and wait.

1 In my opinion, we have to make drastic
2 changes in health, in schools, in the
3 elderly. How many children nowadays have
4 been affected after the passing of María
5 and are being admitted to hospitals.
6 Because they are getting sudden attacks and
7 they are admitted into the hospital, and
8 are being maintained by pills.
9 Medication -- everyone will soon be under
10 medication. Is there not a different way
11 to end the situation we are going through?

12 And forgive me if I'm overextending my
13 time limit. Am I doing okay timewise?

14 CHAIR CANTÚ: (In Spanish) Thank you
15 for your words.

16 MR. ROSADO: (In Spanish) Thank you.

17 CHAIR CANTÚ: (In Spanish) Thank you for
18 your words and for supporting your people.
19 Thank you.

20 Thank you for your words and for your
21 advocacy for your communities.

22 (In English) Am I missing any other
23 speakers?

24 (In Spanish) Is there anyone else who
25 has the intention of speaking?

1 (In English) Okay. Not hearing
2 anymore speakers, thank you all who have
3 contributed this far to the public comment
4 period. We are going to pause for a ten-
5 minute break -- we are done. Okay. I am
6 leading and they are leading me. Thank
7 you.

8 I would like to take this opportunity
9 to thank all the panelists, everyone who
10 took the time to join us today to submit
11 their public comment on this very important
12 topic. It's been tremendously informative.
13 And on behalf of the entire Commission, I
14 want to thank everyone who shared their
15 time today and their expertise and each
16 community member for sharing very personal
17 parts of their life.

18 I also want to thank the Commission
19 staff for the efforts they made in the last
20 few months to pull this briefing together
21 alongside with our partners here in Puerto
22 Rico. And I thank the staff, in advance,
23 because they are going to keep working, for
24 their efforts to distill the information
25 presented in this briefing and to

1 incorporate it into the report. I'm very
2 grateful for all this hard work.

3 The recording for this briefing -- the
4 record for this briefing will stay open for
5 the next 30 days. If panelists or members
6 of the public would like to submit
7 materials, they can submit them to the
8 Commission. But it can't be later than
9 January 10, 2020 [sic]. And the email to
10 send any updated information --

11 COMMISSIONER YAKI: 2022.

12 CHAIR CANTÚ: 2022, thank you.

13 The email address is
14 mariabriefing@usccr.gov or you can send it
15 regular mail to OCRE/Public Comments, to
16 the attention of María Briefing at the U.S.
17 Commission on Civil Rights. Our address in
18 Washington, DC is 1331 Pennsylvania Avenue
19 NW, Suite 1150, Washington, DC 20425.

20 We encourage the use of email for
21 providing the public comments. Do not come
22 to the office. Do not drop by. You will
23 not find me at the office because due to
24 COVID, we all are going to be safe. And we
25 are going to continue to wear our masks

1 until we are told that everyone has been
2 protected and it is safe. So, thank you
3 all. And the briefing has ended.

4