

U.S. COMMISSION ON CIVIL RIGHTS

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VIRTUAL BRIEFING

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FRIDAY, JUNE 25, 2021

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

PRESENT:

NORMA V. CANTU, Chair

J. CHRISTIAN ADAMS, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel

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STAFF PRESENT:

NICK BAIR

PAMELA DUNSTON, Chief ASCD

GERALD FOSTEN

ALFREDA GREENE

JULIE GRIECO

MICHELE RAMEY

ANGELIA RORISON

MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:

ALEC DUELL

JOHN MASHBURN

CARISSA MULDER

AMY ROYCE

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOVIC

A G E N D A

I. INTRODUCTORY REMARKS BY CHAIR
 NORMA V. CANTU AND COMMISSIONERS
 DAVID KLADNEY AND MICHAEL YAKI.....4

II. PANEL 1
 Introduction of Panel Members.....11
 David Bibo, Acting Assoc. Administrator,
 Response & Recovery, FEMA.....12
 Tony Robinson, Region 6 Administrator, FEMA17
 Glenn Sklar, Principal Deputy Inspector
 General, DHS OIG.....24
 Stephen Begg, Deputy Inspector General,
 HUD OIG28
 Chris Currie, Director, Homeland Security &
 Justice, USGAO33
 Tevi Troy, Author, BPC Senior Fellow,
 & Former HHS Deputy Secretary39
 Jo Linda Johnson, Director, Office of
 Equal Rights, FEMA46

III. BREAK.....81

IV. PANEL 2
 Kira Romero-Craft, Director, Southwest Region,
 LatinoJustice PRLDEF.....81
 Andrés Gallegos, Chairman, National Council
 on Disability.....86
 Nicole Roy, Project Coordinator,
 Salvation Army.....92
 Charley Willison, Postdoctoral Fellow,
 Harvard Medical School.....96

V. CLOSING REMARKS BY CHAIR NORMA V. CANTU ...125

VI. ADJOURN MEETING127

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P R O C E E D I N G S

(12:02 p.m.)

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

I. INTRODUCTORY REMARKS BY CHAIR NORMA V. CANTU AND

COMMISSIONERS DAVID KLADNEY

AND MICHAEL YAKI

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

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

The Commission undertook this project knowing full well that the Congress was already reviewing the federal responses to natural disasters.

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1 However, we'll be looking at the response through a
2 civil rights lens.

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

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

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

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

22 I caution all speakers, including our
23 Commissioners, to refrain from speaking over each
24 other for the ease of the transcription by the court
25 reporter.

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1 Additionally, I will need to cue our
2 staff behind the scenes for the appropriate video and
3 audio support. So occasionally, you'll hear a phone
4 ringing and that's probably for me and not for you.
5 So please wait to speak until I've called upon you.

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

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

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

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

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1 please focus your remarks on the topic of today's
2 briefing.

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

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

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

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

25 As a co-sponsor of this project with

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1 Commissioner Yaki, Commissioner Adebile would like
2 to thank our fellow Commissioners, their special
3 assistants and legal interns for their work on this
4 project. A lot goes into these briefings.

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

10 Commissioner Adebile also wishes to
11 thank Julie Grieco of OCRE for her hard work in
12 researching and preparing this issue for this
13 briefing.

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

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

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

25 On a personal note, I would like to thank

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1 my very special assistant, Amy Royce, who is always
2 prepared for this briefing in excellent fashion and
3 our new legal intern, Clara Malkin, who is following
4 in Amy's footsteps. Great job.

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

13 Commissioner Adebile thanks the
14 witnesses and participants for attending and
15 participating in today's briefing. Thank you, Madam
16 Chair.

17 COMMISSIONER YAKI: Are you waiting for
18 -- may I go? I'm Commissioner Michael Yaki. And in
19 2017, as I was watching the response for Hurricane
20 Harvey, I couldn't help but be reminded of the
21 response to Hurricane Katrina over 10 years before
22 and the images that we saw of the people who were
23 stranded, of the Ninth Ward being devastated.

24 And on a personal note, I am someone who,
25 like many millions of Americans, survived a natural

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1 disaster.

2 I rode through the Loma Prieta earthquake
3 in 1989 in the San Francisco Bay area. And I was
4 fortunate in many ways. I was fortunate because my
5 home was not damaged. I was also fortunate because
6 I had a couple advantages other people did not.

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

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

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

22 And, in fact, in our mission as members
23 of the Commission on Civil Rights to note that there
24 may be a disproportionate impact of the federal
25 response with regard to its treatment of people of

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1 color to the disabled is something that I find
2 shocking today.

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

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

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

23 II. PANEL 1 - INTRODUCTION OF PANELISTS

24 CHAIR CANTU: Thank you, Commissioner
25 Yaki. Let me now introduce the seven people on the

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1 first panel.

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

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

7 Our third speaker is Glenn Sklar,
8 Principal Deputy Inspector General, Department of
9 Homeland Security, Office of the Inspector General.

10 Our fourth speaker is Stephen Begg,
11 Deputy Inspector General, Housing and Urban
12 Development, Office of the Inspector General.

13 Our fifth speaker is Chris Currie,
14 Director, Homeland Security and Justice, U.S.
15 Government Accountability Office.

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

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

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

25

DAVID BIBO

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

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

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

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

22 This language that Congress passed and
23 the President signed has and continues to give us
24 greater flexibility in providing funding toward
25 restoring Puerto Rico's infrastructure and with that

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1 of the U.S. Virgin Islands.

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

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

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

22 The historic 2017 hurricane season and
23 wildfire activity I'm sure you will recall certainly
24 demonstrated how vital the local, state, Tribal,
25 territorial and federal partnership is in delivering

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1 disaster assistance to the American people.

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

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

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

23 FEMA along with our partners across the
24 Federal Government in support of the states and the
25 territories continue to provide historic levels of

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1 support to not only the government of Puerto Rico,
2 the U.S. Virgin Islands, for Maria and Irma but also
3 to Texas and Florida from Harvey and Irma.

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

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

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

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

25 Climate change is making disasters more

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1 frequent, more intense, and we're seeing greater
2 destruction. And we know we must all work together
3 to address these challenges head-on through risk
4 reduction projects to build more resilient
5 communities and that we must consider equity and
6 socially vulnerable populations in all that we do.

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

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

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

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

22 TONY ROBINSON

23 MR. ROBINSON: Good afternoon, Chair
24 Cantu and distinguished members of the Commission.
25 My name is Tony Robinson. I am the Regional

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1 Administrator of FEMA Federal Emergency Management
2 Region 6 office in Denton, Texas, which is
3 responsible for the states of Arkansas, Louisiana,
4 New Mexico, Oklahoma, Texas and the 68 Tribal Nations
5 that are within that geographic area.

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

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

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

24 Region 6 has seen some of our nation's
25 largest disasters and our team has responded to many

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1 notable disasters, including a very busy 2020
2 hurricane season, which included five storms
3 impacting Louisiana, and Southwest Louisiana being
4 significantly impacted by Hurricanes Laura and Delta,
5 which made landfall within 12 miles of each other.

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

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

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

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

23 In addition to wind and storm surge along
24 the Texas coast, heavy rainfall and widespread flash
25 flooding directly impacted 6.7 million people across

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1 an area approximately 41,500 square miles, including
2 our nation's fourth largest city, the City of
3 Houston, as well as many small and medium-sized
4 communities along the coast and deep into the
5 interior of Texas.

6 During the storm, the highest rainfall
7 total amount as reported was just a little over 62
8 inches in the rain gauge outside of Houston. In total
9 41 counties were designated for FEMA's Individual
10 Assistance program and 53 counties for the Public
11 Assistance program.

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

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

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

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

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1 survivors.

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

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

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

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

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

25 We work very closely with our states.

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1 And the lessons learned from the 2016 floods in
2 Louisiana, we partnered with the State of Texas to
3 deliver some new and innovative programs.

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

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

20 The size and scope of Hurricane Harvey's
21 impact would have been challenging in a normal year.
22 But the subsequent disasters, as Mr. Bibb mentioned,
23 really placed considerable strain on our FEMA
24 resources.

25 I am extremely proud of the FEMA staff

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1 and our partners with the Texas Division of Emergency
2 Management along with our local, state, Tribal and
3 non-governmental organizations and our private sector
4 resources. Disasters are a whole of community
5 business and that certainly worked in the State of
6 Texas.

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

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

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

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

25 We remain committed to working with our

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

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

11 CHAIR CANTU: Thank you, Mr. Robinson.
12 We'll now hear from Mr. Sklar.

13 GLENN SKLAR

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

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

22 Our office plays a unique and critical
23 role in the oversight of disaster management. We
24 ensure disaster programs are operating in an
25 effective and efficient manner and that public funds

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1 are spent in accordance with regulations.

2 We are well aware of the hardships of
3 multiple hurricanes stacked in a tight window in late
4 2017 placed on FEMA. We acknowledge the efforts of
5 dedicated FEMA employees and contractors who
6 persevered through these difficult circumstances,
7 work that was often accomplished far away from home.

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

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

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

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

25 Overall, we conducted 10 audits related

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1 to our oversight obligations, and we published
2 corresponding reports between May 2019 and June 2021.

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

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

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

21 This led to potentially ineligible
22 contract costs and FEMA reimbursing PREPA more than
23 \$852 million for contract costs without confirming
24 PREPA provided proper oversight for the contract.

25 Another electrical grid contract that we

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1 reviewed was billing at a rate of \$616 per hour for
2 a senior accountant.

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

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

10 Of the approximately 97 million liters of
11 water FEMA shipped to Puerto Rico between September
12 2017 and April 2018, only 36 million liters reached
13 their final destination for distribution.

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

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

22 Looking forward, DHS OIG has six ongoing
23 audits and reviews related to both disaster and
24 pandemic oversight to be initiated based on our
25 observations during visits to these disaster sites

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1 and our post-disaster analysis. We look forward to
2 publishing those reports.

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

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

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

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

22 We hope that our testimony today has
23 provided the Commissioners with a holistic view of
24 our oversight work of FEMA's responses to these
25 disasters.

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1 I welcome any questions. Thank you.

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

4 STEPHEN BEGG

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

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

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

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

21 Since 1992, Congress has appropriated
22 over \$89 billion of grant funds through HUD's
23 disaster programs. A substantial portion of that
24 amount, approximately \$30 billion, has been
25 appropriated to assist Texas and Puerto Rico in the

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1 aftermath of Hurricanes Harvey, Irma and Maria.

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

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

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

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

23 Currently, HUD establishes its disaster
24 program requirements through notices in the Federal
25 Register rather than through its regulations. Each

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1 time Congress appropriates money for a disaster, HUD
2 generates a Federal Register notice specific to that
3 funding stream.

4 This process can quickly become
5 complicated for grantees as they may need to examine
6 multiple notices to understand the requirements
7 related to a disaster.

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

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

19 In April 2021, we again recommended that
20 HUD codify its disaster programs after we found that
21 HUD's extensive negotiations with the Office of
22 Management and Budget about new program requirements
23 significantly delayed the release of Federal Register
24 notices for Puerto Rico, Texas and other grantees
25 receiving disaster mitigation funding.

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1 Establishing a permanent set of
2 requirements would reduce uncertainty early in the
3 grant life cycle and help grantees build capacity to
4 administer grants more quickly.

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

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

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

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

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

25 Our other recent reviews have highlighted

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1 that standard requirements would help grantees better
2 deliver core recovery functions like rebuilding and
3 rehabilitating homes.

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

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

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

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

23 Thank you for the opportunity to discuss
24 our work with you today. I look forward to your
25 questions and to continue providing information to

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1 the Commission that may further your important work.

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

4 CHRIS CURRIE

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

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

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

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

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

25 Wildfires are changing from localized

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1 rural events in the past to state, region-wide
2 events, and sometimes now urban catastrophes.

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

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

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

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

25 They're also committed to improvement

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1 when we identify challenges and weaknesses as well.
2 And on that note, our work has identified a number of
3 challenges across federal disaster programs, all of
4 which were used during Hurricane Harvey and Maria and
5 every other major disaster.

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

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

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

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

24 We also found that some components of
25 FEMA's Individual Assistance enrollment process may

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1 unintentionally make it difficult for vulnerable
2 populations to obtain assistance.

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

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

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

21 For example, in Puerto Rico, the Virgin
22 Islands and we can't forget the Pacific Territories
23 that were hit really hard in 2018, serious fiscal
24 constraints, years of depleted tax bases and large
25 populations and poverty led to lack of planning and

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1 preparedness for major disasters over the years.

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

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

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

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

22 For example, on January 21, Puerto Rico
23 had spent -- we just reported this -- they had spent
24 \$158 million to start, you know, long-term rebuilding
25 projects, like, schools, the power grid, the water

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1 systems. You know, this is out of \$23.8 billion at
2 that time that FEMA had obligated.

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

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

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

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

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

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1 might be needed.

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

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

6 TEVI TROY

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

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

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

23 I learned in writing the book that over
24 the course of our history, the federal government has
25 become increasingly involved in dealing with

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1 disasters. As this involvement has increased, so has
2 the American people's expectations regarding federal
3 disaster response.

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

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

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

25 Let's look at Harvey first. Having lived

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1 through the government's ineffective response to
2 Katrina, I was encouraged by what the federal
3 government, and particularly FEMA, seemed to have
4 learned in the intervening period.

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

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

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

18 Another improvement we saw during Harvey
19 was in the integration of volunteers. Government
20 does not have enough personnel to help everyone who
21 needs it. These limitations make outside assistance
22 invaluable. Volunteer assistance is not just about
23 the Red Cross anymore. FEMA's website lists about a
24 dozen professional volunteer organizations to
25 cooperate with during disasters.

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1 Given these improvements, the question
2 arises of why the Harvey response was a success while
3 the subsequent Maria response was seen as subpar.

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

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

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

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

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1 in great numbers in Harvey.

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

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

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

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

24 The lesson here is that presidential
25 leadership is about continued effort in the face of

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1 ongoing challenges.

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

10 As a result of the President and federal
11 government need to ensure they do not overpromise and
12 make sure that they meet the properly calibrated
13 promises that they do issue. Even this is not easy.

14 The federal government is a massive
15 bureaucracy with 2 million employees, a number
16 impossible to control. President Obama once
17 recounted a warning he had received from Defense
18 Secretary Robert Gates: "Somewhere, somehow,
19 somebody in the federal government is screwing up."

20 Nothing can ensure the absence of
21 mistakes, but smart leadership can better prepare
22 officials for crises. Presidents should make sure
23 that senior officials engage in preparation drills
24 early in their administration and continue to do
25 periodically throughout.

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1 The President also needs realistic budget
2 numbers. The government spends a staggering amount
3 of money on disasters, which is not budgeted properly
4 for that spending.

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

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

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

21 Each bureaucracy for which disaster money
22 is directed spends money in the process of directing
23 said funds. At the end of the process, less money
24 ends up in the hands of the victims than taxpayers
25 directed on their behalf.

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1 These suggestions should in no way take
2 away from the tremendous job that our disaster
3 response officials do. The career officials in the
4 U.S. government who deal with disaster are dedicated
5 and skilled professionals. No one can prevent or
6 eliminate the consequence of disasters, but we should
7 appreciate the good work of these individuals and
8 strive for improvements that will make their jobs
9 easier going forward.

10 Thanks again for inviting me to testify.

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

14 JO LINDA JOHNSON

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

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

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

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1 part because of the 2017 hurricane season.

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

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

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

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

23 He also described the significant
24 improvements that FEMA has made and continues to make
25 with every new lesson learned.

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1 In our statement, we have provided the
2 Commission detailed information on civil rights
3 concerns raised from Harvey and Maria as well as the
4 subsequent outcomes. I welcome questions related to
5 this information and appreciate the opportunity to
6 hear your concerns. And I look forward to the
7 discussion. Thank you.

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

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

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

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

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

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1 was.

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

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

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

22 MR. BIBO: Commissioner, thank you for
23 the question and let me start by saying that for the
24 first time in my service at FEMA, we have an
25 administration and an administrator who has made

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1 promoting equitable delivery of disaster assistance
2 one of the Agency's top priorities, and I think it's
3 just important to note that at the outset.

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

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

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

23 Every circumstance is different even
24 though there are commonalities among them. Until you
25 really dig in and look at a one-to-one comparison and

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1 understand the specifics, it is difficult to
2 generalize.

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

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

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

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

24 MR. BIBO: Well, we do extensive consumer
25 surveys of disaster survivors following disasters on

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1 a range of topics. But our gathering of demographic
2 data has not been part and parcel of the Individual
3 Assistance Program. We are taking steps now to make
4 that part of what we do as a matter of course.

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

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

22 One of the things I wanted to ask of you
23 as someone who is more on the ground as it were, is
24 to what extent are you allowed or are you permitted
25 or do you have authority to interact with local

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1 entities to whom you give grants whether it's the
2 CDBG-DR or what have you?

3 And I'm specifically thinking about the
4 articles that have come out about the initial plans
5 by the Government Land Office of Texas with regard to
6 the distribution of funds for home buybacks and
7 hazard mitigation where the amount of money, for
8 example, in Taylor's Landing worked out to something
9 -- a community, by the way, that has absolutely no to
10 very little Black residents -- worked out to around
11 \$69,000 per capita, per individual, and Port Arthur,
12 which is a very large Black population, that the
13 distribution of these Public Assistance funds worked
14 out to about \$84 per capita.

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

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

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1 that agency.

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

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

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

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

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

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1 couple.

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

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

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

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

24 But I would also like to know what's been
25 done since these hurricanes to change this and comply

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1 more with Olmstead?

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

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

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

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

22 As you noted, there have been concerns
23 raised in several states about the sheltering of
24 individuals with disabilities in long-term care
25 facilities as opposed to in general population

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1 shelters with the rest of their community.

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

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

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

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

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

25 Where that legislation is problematic

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

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

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

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

23 The question would be why would a state
24 or local government insure those facilities if they
25 knew the federal government was going to pay for it?

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1 So I think that's a very valid point.

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

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

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

17 COMMISSIONER KLADNEY: Thank you. Thank
18 you, Madam Chair.

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

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

24 My question is directed to Mr. Currie.
25 Mr. Currie, in May of 2021, the President announced

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1 that FEMA would be receiving a billion dollars for
2 building what's classified as resilient communities
3 and a portion of that apparently is to be targeted to
4 disadvantaged communities. Is that right?

5 MR. CURRIE: That's my understanding.

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

11 MR. CURRIE: Yes, sir. Great question.
12 Well, the building resilient infrastructure
13 communities of -- the BRIC program is a new grant
14 that is basically designed to be awarded
15 competitively across the country to help state and
16 local communities address those areas of highest
17 risk.

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

23 I am aware of the announcement that a
24 portion of that funding will be directed, you know,
25 to vulnerable populations. I don't know that the

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1 specifics have been spelled out. Mr. Bibo may know
2 that more. But I will say this. That I think it's
3 going to be really interesting to see, you know, what
4 criteria are used to make those determinations.

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

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

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

24 COMMISSIONER GILCHRIST: I applaud you in
25 that regard. And certainly that would be coming out.

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1 Mr. Bibo, would you like to comment on that as well?

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

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

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

23 CHAIR CANTU: I'm going to call on
24 myself. My question has to do with farmers of color
25 and to let you that this is a family story. When my

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1 mother was four months old, she survived the
2 hurricane in South Texas.

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

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

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

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

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1 and understanding how to reach the population that
2 they are serving.

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

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

21 So in partnership with the State of
22 Louisiana, FEMA Region 6, Tony Robinson's team,
23 opened a recovery service center to provide
24 accessible information to disaster survivors cutting
25 across all of these disasters and provided the

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1 opportunity to be vaccinated at the same site. Not
2 a thing that people were coming to the site
3 specifically to do, but were taking an opportunity in
4 an under-vaccinated community to make it available.
5 And, you know, 14 percent of those who have shown up
6 at the site have availed themselves of a vaccine which
7 is, you know, a positive story.

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

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

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

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

23 CHAIR CANTU: Thank you. Thank you for
24 that. I'm glad you're helping with that.
25 Commissioner Adams and then I'll come back with

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1 Commissioner Yaki.

2 COMMISSIONER ADAMS: Madam Chair. Thank
3 you, Commissioner Yaki. My first question is for Mr.
4 Bibo. Since you've been at FEMA in 2009, have you
5 had the opportunity to hear or otherwise see
6 firsthand or have any interaction or awareness of any
7 racially discriminatory policies being discussed or
8 people even saying stupid things related to the
9 distribution of aid in your experience there?

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

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

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

22 And there are actually seals that they
23 placed on containers so that when it reaches the
24 destination, you can then download that information
25 and know exactly what's in that giant container and

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1 if it reached target.

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

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

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

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

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

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

25 One of the first things we would ask for

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

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

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

16 CHAIR CANTU: Commissioner Yaki?

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

24 And I'd like to understand what FEMA's
25 policy is or has it had a policy with regard to the

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1 issue of language and cultural competency of its
2 responders, of its recovery to individuals or the
3 people who go knocking door to door verifying aid
4 requests, the whole chain of disaster response from
5 the federal government.

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

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

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

25 MR. BIBO: Commissioner, I think it's

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1 appropriate for me to start with that question if I
2 can. I would first say that the quantity of personnel
3 that we had who were fluent in Spanish as we
4 approached a very significant incident, particularly
5 in Puerto Rico, was a limitation for us. We did not
6 have as many personnel that were fluent in Spanish as
7 would have been helpful in delivering the assistance
8 that we needed to deliver at speed.

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

18 We now find ourselves in a position where
19 we have a solid core of Spanish speakers, which is,
20 I would say, the most frequent language that is of
21 greatest consequence in the disaster environment
22 facing, but it's not the only. And so we have to
23 rely on a range of other tools, contractors, for
24 instance, to resolve other shortfalls. But I'll say
25 --

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1 COMMISSIONER YAKI: Just a quick
2 question, just to interject very quickly. That's
3 great. How about the materials themselves, the
4 applications, the website, things like that? Is
5 there a language option in there as well?

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

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

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

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

24 COMMISSIONER YAKI: And at the disaster
25 assistance centers themselves, I know most of its

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1 done online now. I remember the analog era where
2 people got to stand in line and actually submit their
3 applications.

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

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

15 MS. JOHNSON: Absolutely. Thank you,
16 sir. Commissioner, I would say two things in response
17 to that. If we have information ahead of time about
18 the household that we are encountering, whether it's
19 a language, a limited English proficient household,
20 whether it's an individual who, harkening it back to
21 Commissioner Kladney's question about individuals
22 with disabilities, if it's a household that has
23 someone who is deaf, then we'll need a sign language
24 interpreter. Whatever the actual language needs, the
25 communication needs are, if we have that information

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1 ahead of time, the answer to your question is yes.
2 We can provide the assistance that is needed the first
3 time they encounter FEMA personnel.

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

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

13 One of the ways we did that is with a
14 language line, where we provided information in over
15 180 languages based on an individual who walks in the
16 door, we can get someone on the phone in their
17 language very quickly.

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

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

24 COMMISSIONER YAKI: Sure.

25 MR. BIBO: -- of interest to the

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

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

16 COMMISSIONER YAKI: Thank you, Mr. Bibo.

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

23 CHAIR CANTU: I'm going to turn to David,
24 but it is not a new problem that people need services
25 and language accessibility in order to receive those

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1 services. A friend of mind filed a lawsuit on behalf
2 of Spanish speaking farmers in Texas and the defense
3 was -- they were being foreclosed upon and all of the
4 notices were in English.

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

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

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

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

25 COMMISSIONER KLADNEY: Ms. Johnson, I've

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1 thought about the answer to one of my questions, and
2 you said that the local government seemed to have
3 different laws that seemed to block you from
4 providing disabled people the ability to be in the
5 regular shelter with non-disabled people.

6 Was that your answer? Did I understand
7 that right?

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

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

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

21 And when decisions are made that are
22 counter to civil rights requirements, and I know all
23 of you know this as civil rights practitioners,
24 decisions get made and we, as civil rights attorneys,
25 have to come back and undo those at times.

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1 So there may be decisions that are made
2 by states that are contrary to federal law. When
3 federal funds are in place, we need to bring them
4 into compliance and that sometimes takes time. It
5 doesn't always happen in the initial moment.

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

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

16 MS. JOHNSON: Absolutely.

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

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

25 COMMISSIONER KLADNEY: And I have

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1 questions for Mr. Sklar and Mr. Begg. I was
2 wondering, Mr. Sklar, you said you were going to
3 publish some post-audits that you've done regarding
4 Maria and Harvey. Is that correct, for a report?

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

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

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

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

23 But I can't report that all of the
24 recommendations have been implemented yet and some
25 are still under discussion. But for the most part,

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1 FEMA has expressed interest in cooperating and making
2 necessary changes, and we really appreciate that.

3 COMMISSIONER KLADNEY: Which ones do you
4 think are the most important ones that are
5 outstanding?

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

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

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

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

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1 your racial disparities.

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

4 COMMISSIONER KLADNEY: Thank you. Mr.
5 Begg --

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

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

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

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

21 See you all in five minutes.

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

25 CHAIR CANTU: Welcome back to the US

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1 Commission on Civil Rights. We have our second panel
2 on the issues of federal responses to Hurricanes
3 Maria and Harvey. So we'll -- and protections
4 following a natural disaster.

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

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

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

22 KIRA ROMERO-CRAFT, DIRECTOR, SOUTHEAST REGION

23 LATINO JUSTICE, PRLDEF

24 MS. ROMERO-CRAFT: Thank you very much.

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1 Thank you all, Chair Cantu and members of the US
2 Commission on Civil Rights. My name is Kira Romero-
3 Craft, and I serve as the Director of the Southeast
4 Region for LatinoJustice PRLDEF, the Puerto Rican
5 Legal Defense and Education Fund.

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

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

21 I have been working with impacted Puerto
22 Rican evacuees since 2017 and have experienced
23 firsthand the complaints of discrimination suffered
24 by Puerto Ricans fleeing disaster. But also have

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1 witnessed the lasting trauma associated with such a
2 disaster.

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

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

19 The Government Accountability Office has
20 found that FEMA's response to Hurricane Maria in
21 Puerto Rico alone represents the largest and longest
22 single response in the Agency's history. FEMA itself
23 reported in its after-action report of 2018 that the
24 pre-hurricane planning assumptions were severely

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1 underestimated, when looking at actual damage, and
2 required significantly more assistance than expected.

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

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

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

23 Yet these municipalities and the island
24 overall is crippled by debt that restricted this

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1 program, which made the program ineffective in the
2 face of the scale of devastation caused by the
3 hurricane to the island's infrastructure.

4 As such, of the 23.8 billion allocated,
5 Puerto Rico has only spent 158 million for long-term
6 rebuilding projects. While our written testimony did
7 not include assertions of discrimination claims made
8 outside of our lawsuit, *Ascencio v. FEMA*, the case
9 that we filed, we'd like to amend the statement and
10 assert that housing discrimination and wrongful
11 ejection did occur.

12 On February 2019, news reports noted that
13 of the 1.1 million claims made by Puerto Ricans living
14 on the island for assistance for FEMA, less than half
15 were approved because FEMA either denied requests for
16 repair outright, or demanded onerous and expensive
17 alternative documentation.

18 And in Florida, we dealt with survivors
19 who were wrongfully ejected from hotels receiving TSA
20 funding, as well as those seeking lease or rental
21 opportunities being charged application fees for
22 units that were non-existent. For individuals
23 fleeing disaster without resources, the impact of
24 lack of affordable housing and housing instability

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1 cannot be understated.

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

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

17 Citizens awaited for answers about when
18 power would return. Some of our fellow citizens
19 waited in the dark for an entire year in the longest
20 blackout in American history. And almost four years
21 later, they still remain in the dark, metaphorically
22 and also literally, with the crippled infrastructure
23 and the fear of an impending storm with stronger force
24 looming in the distance.

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1 We must bring Puerto Rico out of the
2 years of darkness and provide the support that is due
3 to Puerto Ricans. Thank you very much for your time
4 and attention and the opportunity to speak on behalf
5 of impacted Puerto Rican evacuees and the fight for
6 equality today.

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

10 ANDRES GALLEGOS, CHAIRMAN,
11 NATIONAL COUNCIL ON DISABILITIES

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

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

24 In addition, there was a notable

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1 disparate federal response to Hurricane Maria as
2 compared to the federal response to Hurricane Harvey.

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

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

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

22 Now, that's important to better
23 understand why they were so vulnerable to the effects
24 of the hurricane and why greater efforts to address

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1 their needs and recovery was required. Look, we're
2 talking about the needs of approximately 687,000
3 people representing 21.7% of the island's population.

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

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

21 In 2017, the poverty rate was 48% among
22 working-age people with disabilities. Residents of
23 Puerto Rico are ineligible for the Supplemental
24 Security Income SSI program, arguably the single most

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1 important safety net program for people with
2 disabilities in the United States.

3 Instead, they received benefits under its
4 predecessor program, the Aid to Aged, Blind and
5 Disabled Program, AABD. AABD, however, is not a
6 substitute for SSI. It provides significantly lower
7 benefits. The rate of maximum monthly SSI benefit is
8 \$741, compared to \$75 under AABD.

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

17 The healthcare system also faced
18 challenges, mainly because it was underfunded.
19 Unlike the 50 states and DC, Medicaid spending in
20 Puerto Rico had been subject to the statutory annual
21 cap. The scope of the island's Medicaid program
22 itself was severely limited. It does not cover home
23 health services, hospice services, medical equipment,
24 and supplies, or nursing facility services.

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1 All of the foregoing contributed to a low
2 degree of resiliency in the ability of Puerto Rican
3 residents to, with this relief, to respond to the
4 effects of the hurricane. Thus, when Puerto Rico was
5 hit by Hurricane Maria, the effects were magnified
6 for its residents with disabilities.

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

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

19 As reported by the Partnership for
20 Inclusive Disaster Strategies in its May 2018 after-
21 action report, people with disabilities were turned
22 away from both general and special needs shelters.
23 Among the reasons included power dependence, the need
24 for personal assistance services, service animals,

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1 mental health conditions, and the need for support
2 due to cognitive or intellectual disabilities. And
3 disaster survivors with disabilities also did not
4 have equal access to the FEMA application process.

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

9 That was clearly noted on October 25,
10 2017, when the US House of Representatives Committee
11 on Homeland Security wrote to the Homeland Security'
12 Acting Secretary and FEMA's Acting Administrator,
13 requesting answers as to why the civil rights of
14 people with disabilities were not protected during
15 the response to Hurricane Maria.

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

21 According to the 2018 George Washington
22 University Study, Hurricane Maria resulted in the
23 death of 2,975 people. How many were people with
24 disabilities is not exactly known. Disability is not

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1 a mortality data point captured in the United States
2 or in Puerto Rico.

3 Thank you again for the opportunity to
4 brief the Commission.

5 CHAIR CANTU: Thank you, Mr. Gallegos.
6 Our third panelist, Nicole Roy, would you -- would
7 you please proceed.

8 NICOLE ROY, PROJECT COORDINATOR

9 SALVATION ARMY

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

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

24 When we first started to become an

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1 organization that was looking at doing a long-term
2 recovery effort here in Puerto Rico, we had set
3 boundaries and had already had a set denomination of
4 funds. We had to escalate that seeing the need and
5 trying to reach the need.

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

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

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

24 But the cultural insensitivity here also

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

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

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

21 All DRCs and CRCs were in downtown areas
22 of the 78 municipalities, and unfortunately that was
23 not something that was accessible to most people.
24 That was a large logistical concern. The two smaller

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1 islands off of Puerto Rico, Culebra and Vieques, were
2 delayed significantly in services and were not able
3 to be treated on equal services as the main island of
4 Puerto Rico.

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

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

20 There was improvement, there was measures
21 trying to be met with full logistics, legal,
22 language, cultural modifications. And that was
23 something that aided in the efforts being faster. I
24 still am very grateful that you are all looking into

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1 this now and that you are willing to hear what
2 everybody has to say. This is how we learn and
3 improve. And I'm very thankful and honored to be
4 asked to be on this.

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

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

9 CHARLEY WILLISON,
10 POSTDOCTORAL FELLOW, HARVARD UNIVERSITY

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

13 CHAIR CANTU: Dr. Willison.

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

22 The outcomes and choices governments make
23 in disaster responses are increasingly important as
24 we face the ongoing COVID-19 pandemic and

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1 anthropogenic climate change that increases the
2 likelihood of public health disasters. Racial or
3 ethnic minority group members and low income
4 individuals are the most at-risk of adverse health
5 and economic consequences during disasters.

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

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

19 Yet disaster appropriation funding to
20 Puerto Rico took over four months after landfall to
21 reach a comparable amount of money received by
22 Florida and Texas in half the amount of time. The
23 additional two months to distribute critical aid is
24 likely not explained by geography but likely a

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1 product of congressional negotiations seeking to
2 demonstrate that Puerto Rico had no sufficient assets
3 to deploy and required financial assistance.

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

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

18 When considering the mortality rates as
19 a measure of need or severity from the disasters, the
20 mortality rates resulting from Hurricane Maria were
21 more than 30 times greater than that of Harvey or
22 Irma. If disaster responses vary in their
23 effectiveness across communities, health equity is
24 affected.

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1 Representation in debates over disaster
2 aid influence accessibility of requests for aid.
3 Research conducted by my colleagues and I in 2021
4 analyzes federal congressional aid deliberations as
5 measured in congressional floor debates over funding
6 and disaster aid relief for the 2017 hurricanes for
7 six months after landfall.

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

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

23 This may exacerbate disparities where
24 some states have more advocacy for disaster aid in

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1 considering the disaster relief fund and supplemental
2 appropriations compared to other states. These
3 disparities are exacerbated by existing political
4 structures. Puerto Ricans are American citizens, but
5 Puerto Rico lacks congressional representation.

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

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

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

23 CHAIR CANTU: Thank you, Dr. Willison.

24 At this point we'll accept questions from the

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1 Commissioners. If I can offer an apology that I cut
2 off the -- two of the Commissioners in the first --
3 offer to them an opportunity to be first in this
4 panel.

5 Dr. Gilchrist.

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

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

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

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

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

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1 Board did affect aid considerations.

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

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

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

24 CHAIR CANTU: Thank you. Commissioner

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1 Kirsanow.

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

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

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

11 DR. WILLISON: Yes, I do have those
12 numbers, and this is also in my written testimony as
13 well. And I can pull up specific numbers if you're
14 --

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

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

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

22 DR. WILLISON: So this is something that
23 I can't speak to myself in terms of the amount. But
24 what I can address is the disparities in the amount

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1 of aid that was received between different
2 jurisdictions and at different time points.

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

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

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

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

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

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1 same time point.

2 COMMISSIONER ADAMS: Okay.

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

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

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

20 COMMISSIONER ADAMS: Last question for
21 you. You talked about status as a territory. Under
22 the constitution of course territories are not
23 states. And there have been a number of status
24 plebiscites in Puerto Rico over the years.

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1 Do you think the amount of aid that would
2 have come to -- after Harvey, that Puerto Rico would
3 have been better off under independence, or under
4 something like free association, or under the status
5 quo?

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

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

20 And so when we're looking at who -- at
21 congressional members and when they spoke on behalf
22 of need to different communities, Maria, discussions
23 of aid to Maria and advocacy for aid for Maria was
24 substantially lower than congressional advocating for

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1 aid to Harvey and Irma in Florida.

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

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

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

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

23 DR. WILLISON: And to clarify --

24 COMMISSIONER ADAMS: I don't have

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1 anything else, thanks a lot.

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

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

10 COMMISSIONER KIRSANOW: No, thank you.

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

14 COMMISSIONER KLADNEY: I've always got
15 questions, everybody gets tired of me asking
16 questions. Chairman Gallegos, are you familiar with
17 1812(f) waivers?

18 MR. GALLEGOS: I am not.

19 COMMISSIONER KLADNEY: Okay. Is there a
20 tracking system for individuals who are separated
21 from their friends and family, disabled people are
22 sent to places like hospitals? We talked about that
23 on the earlier panel. Is there a tracking system
24 that FEMA uses or local communities use?

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1 MR. GALLEGOS: You're saying in Puerto
2 Rico, or in general?

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

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

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

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

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

24 COMMISSIONER KLADNEY: Ms. Roy, could you

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1 describe the issues surrounding access for disabled
2 folks in Puerto Rico? I understand they only had one
3 facility that was able to take disabled people. And
4 then there were many more that had to be flown
5 stateside for care because of inability to provide
6 all sorts of different access and applications and
7 services in Puerto Rico. Could you expand on that?

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

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

24 And if I can speak to what the previous

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1 chairman had said, the municipalities had not
2 previously identified those that would be in need in
3 a time of a disaster, and that caused many delays,
4 additional ramifications of death and additional
5 illnesses.

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

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

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

22 COMMISSIONER KLADNEY: Were they
23 adequate?

24 MS. ROY: No.

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1 COMMISSIONER KLADNEY: Did they use open
2 captioning in Puerto Rico during the hurricane, the
3 open captioning on the TV where you can't shut it off
4 and the scroll goes along the bottom?

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

6 COMMISSIONER KLADNEY: Thank you.

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

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

10 CHAIR CANTU: Thank you. Commissioner
11 Yaki.

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

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

24 And the fact is that when you look at the

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1 relief aid to Hawaii in 1992 after Hurricane Iniki,
2 you did not see these congressional hearings going on
3 because the federal response to Hawaii, which is
4 represented by two United States Senators and two
5 members of Congress, was like that.

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

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

19 And did you -- and is that something that
20 you think that FEMA should be involved in for the
21 future in terms of how they deal with disaster
22 response? I mean, obviously there are going to be
23 some that happen and they can't deal with it because
24 it happened. But hurricanes you can track. So I

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1 just wanted to ask you opinion, what your thoughts
2 are on that.

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

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

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

22 In addition, when folks would call that
23 were Spanish language-dominant only, they were met
24 oftentimes with folks who could not speak Spanish who

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1 were not bilingual. They did not have access to a
2 language line that could provide translation
3 assistance.

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

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

19 COMMISSIONER YAKI: Thank you very much.
20 Madam Chair, just indulge me for a second. One thing
21 I did note that I wanted to point out that goes into
22 the area of understanding who it is you're about to
23 serve is that I noted in the IG report that some of
24 the food that was being sent was high carbohydrate,

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1 high sugar, non-nutritious stuff to an island that
2 has a disproportionate number of folks who suffer
3 from hypertension, obesity, and diabetes.

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

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

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

19 The other thing I want to share with folk
20 is the effect on young people that their schools have
21 been turned into emergency shelters. And does that
22 disproportionately affect kids with disabilities and
23 kids with communication and lack of access to
24 computers at home in order to make up the deficits

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1 because they can't use their schools, sometimes for
2 months, sometimes for years.

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

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

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

22 Out of ours, and I'm looking this up to
23 make sure that it's the most accurate, one of nine
24 children suffered from depression during that time.

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1 That's our staff from our case management.

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

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

16 CHAIR CANTU: Thank you.

17 MS. ROY: Thank you.

18 CHAIR CANTU: Commissioners,
19 Commissioner Kladney.

20 COMMISSIONER KLADNEY: One more question,
21 Madam Chair. I was wondering, I'll address this to
22 Ms. Romero-Craft, what do you estimate or can you
23 estimate the breakdown between homes that were
24 destroyed as a direct result of the hurricane itself

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1 or those lost due to an inadequate response to the
2 hurricane and damage done to those homes?

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

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

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

22 I cannot tell you the number of folks who
23 either abandoned homes or who had to flee because
24 they knew that they were not going to get -- that

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1 they were denied FEMA funding and the home that they
2 had lived in for generations was not going to get
3 replaced or fixed. And had to then leave to the
4 mainland.

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

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

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

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1 addressed.

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

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

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

19 COMMISSIONER KLADNEY: I have one last
20 question. You said in your initial response that you
21 can't tell me the number of homes that were abandoned
22 or destroyed subsequent to the earthquake for lack of
23 response. When you say that do you mean that there's
24 a lot?

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1 I mean, if you can't tell me the amount,
2 okay, that's fine. But I'm trying to get a picture
3 of a little, moderate, a lot. Do you know what I'm
4 saying?

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

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

14 COMMISSIONER KLADNEY: If you can find
15 out that --

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

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

23 CHAIR CANTU: Thank you. Commissioner
24 Kirsanow.

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1 COMMISSIONER KIRSANOW: Yes, thank you,
2 Madam Chair, and thanks to all the panelists. This
3 has been very informative.

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

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

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

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1 that were found in similar circumstances.

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

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

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

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

22 And you can speak to any Puerto Rican
23 about what they saw, what they viewed in terms of
24 what President Trump said, his action, and his

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1 behavior. And it starts from that point. And so you
2 know, we would submit that that is certainly
3 something that is tied to the response that was --
4 was had in Puerto Rico.

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

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

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

20 COMMISSIONER KIRSANOW: Thank you.

21 CHAIR CANTU: We're getting close on
22 time, so just -- I will put a finger and say I will
23 follow up myself and ask for further information from
24 this panel on this point. Because I'm very interested

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1 in what you all have eye witnessed and what you all
2 have heard from eyewitnesses with regards from
3 departures from policy, departures from practice,
4 unequal treatment.

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

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

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

22 So these communities are already more at
23 risk, creating racial disparities. And then we also
24 do know too that when looking at disaster

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1 allocations, that low income communities and
2 communities of color do also receive less allocation
3 of sufficient aid or of aid in general. And there's
4 a lot of scholarship on this as well that I'm happy
5 to share with the community.

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

10 CLOSING REMARKS, CHAIR NORMA V. CANTU

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

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

20 I also want to personally thank the
21 Commission staff for their efforts they made in the
22 last few months to pull this virtual briefing
23 together. I know personally it's a lot harder to do
24 it virtually than it is to do it in person face to

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1 face, so thank you. And I want to thank the staff in
2 advance for their effort to distill this information
3 presented in the briefing and to incorporate it into
4 the report. So I'm really grateful for all this hard
5 work.

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

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

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

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

22 CHAIR CANTU: Yes, please.

23 COMMISSIONER YAKI: I just wanted to ask
24 leave of the Commission to allow Commissioner

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1 Adegbile to submit his opening statement probably at
2 some point during the time, but to give a timeline,
3 given the circumstances right now. I know that he
4 very much wanted to be a part of this as a co-sponsor
5 of this with me, and I wanted to make sure that he
6 had leave to give -- to provide a written statement
7 for the record.

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

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

13