

To help ensure transparent, accountable, equitable, and effective use of federal funds in Puerto Rico, we believe it is essential to empower the Puerto Rican people to help determine and direct their own recovery from Hurricanes Irma and Maria. Several groups have been working to develop language and demonstrate the support for the creation of a Puerto Rico civil society task force, comprised of community, civic, nonprofit, and small business leaders as an essential part of the oversight and coordination of recovery efforts on the island.

To date, the federal and island disaster response in Puerto Rico has not taken advantage of the local historical and institutional knowledge. As a result, recovery initiatives have been hyper-centralized, leading to a recovery process that is inflexible and unresponsive to community needs. Moreover, the disbursement and allocation of federal hurricane recovery dollars to Puerto Rico has been excruciatingly slow. Most communities in Puerto Rico have been excluded from playing any role in program design and implementation, undermining effective planning, execution, and oversight.

As a response to the recent arrests for corruption and government instability in Puerto Rico, the federal government has increased centralized control over—rather than democratizing—recovery efforts in Puerto Rico. HUD has announced that it will impose a financial monitor over long-term recovery and mitigation dollars, while other policymakers have continued this trend by calling for more power to the Financial Oversight and Management Board—a move that may further delay the recovery on the island and do little to address issues of inefficiencies, mismanagement, or misuse of federal funds. Federal recovery funded work should not be further centralized and should be treated as completely separate from debt issues and PROMESA law.

In order to help ensure truly transparent, accountable, equitable, and effective recovery, Congress must promote the participation of civil society leaders in Puerto Rico. To achieve this, we support the concept of Puerto Rico civil society working directly in the federal coordination of recovery funds and with all federal and local agencies that play a role in Puerto Rico's recovery.

In doing so, this working group would:

- Advise federal efforts, identifying improper and ineffective spending, the compliance with law and policies, and ensuring a focus on equitable resiliency throughout the recovery.
- Oversee the existence of effective processes, prioritizing participation processes during the planning and implementation phases.
- Oversee and require actions to ensure transparency and accountability to the Federal government and the people of Puerto Rico.
 - Remain accountable to the groups that they represent, maintain gender parity as a priority, and ensure that the voices of women, elders, and the disabled are heard.

A more detailed proposal, as seen below, is going through ongoing discussion and consultation with groups in Puerto Rico and the Puerto Rican diaspora. To be part of this effort, we ask you to express your support by endorsing this communication, looking at the proposal and incorporating your comments.

A transparent and just recovery can only be achieved by ensuring the participation of knowledgeable and capable local stakeholders who have been at the forefront of helping those most affected by the disaster. For that reason, we ask us to join us in asking Congress to move forward in the creation of a civil society task force as an essential part of any mechanism of transparency and accountability in Puerto Rico.

To endorse, please add your name, title, and the name of your organization:

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PROPOSAL FOR A PUERTO RICO CIVIL SOCIETY TASK FORCE AND CIVIL SOCIETY REPRESENTATIVES

I. Purpose

Recovery from the devastation caused by natural disasters should be agile, effective, and promote resiliency for future disasters. Other priorities include promoting accountability and transparency in the use of Federal funds that will be spent in these efforts, and we need mechanisms to ensure all those ends.

We find that the current systems of the agencies in charge of recovery in Puerto Rico are hyper-centralized and do not serve the purpose of agile and effective planning and implementation, or of effective monitoring and accounting. Also, the centralized system of federal recovery spending for Puerto Rico excludes most communities from program design and program implementation prioritization, does not take advantage of the local historical and institutional knowledge on the use of federal recovery dollars, and is not as flexible and responsive as the local implementation network.

For these reasons, and in order to ensure that a diversity of civil society leaders in Puerto Rico are in positions that will help ensure equitable, effective, transparent, and accountable recovery and development, we propose the immediate creation of four new full time “Puerto Rico Recovery Civil Society Representative” (CSR) positions - as follows:

- a. Two CSR advisors at the federal level, one at FEMA and another one at HUD.
- b. Two corresponding local CSR advisors, one embedded in COR3 and another one in PRHD.

The four CSRs would report to and be members of a newly created Civil Society Task Force (CSTF), with members selected by Puerto Rico’s civil society, and the duties and authority as explained below. The CSTF may call for additional CSR positions to be created in other federal, local agencies or institutions that manage federal recovery funds. The CSTF has been envisioned as a separate entity, that deals with federal recovery funds, not part of the PROMESA framework.

II. Principles

The main conceptual principles that guide the CSR’s and the CSTF are based on the objectives of equitable recovery and long-term resiliency for Puerto Rico. The CSR’s and the CSTF work to achieve:

- a. Equitable and resilient recovery and development that is responsive to underserved populations and vulnerable groups as well as applies innovative and sustainable investments.
- b. An empowered civil society in Puerto Rico, protected from abuse and that can participate in the decision making processes through effective participation mechanisms, as through their local organizations and government representatives.

- c. Effective and agile spending of federal funds for the recovery and long-term resiliency of families, communities, municipalities, and local Puerto Rican businesses and organizations.
- d. Accountability of those executing and implementing plans and programs, and transparency before the federal government and the people from Puerto Rico.
- e. Recovery efforts that feed on local knowledge and visions on how to rebuild the island.
- f. A regional approach to mitigation and adaptation through the coordination of federal, state, local, and community efforts.

III. Establishment of the CSR's and the CSTF; rotations and dissolution.

- a) The Civil Society Task Force should be established by Congress as an independent body that will execute the duties outlined below. Its members will serve for three years, with new members appointed until the dissolution of the task force, which would take place when all federally funded projects of recovery are implemented by the agencies, and when there is a majority agreement within the CSTF that dissolution is proper. The members appointed to the CSTF by each group as established below will be accountable to that group, and their designation may be revoked by the process established by each group. Before the date of dissolution, the CSTF will have to issue their final report described below.
- b) The CSRs will be official members of the CSTF, nominated by the CSTF and appointed by each of the agencies, the Federal Emergency Management Agency (FEMA), Housing and Urban Development (HUD), the Puerto Rico Central Recovery and Reconstruction Office (COR3), and the Puerto Rico Housing Department (PRHD). They will serve for one year, with the possibility of term renewals if re-nominated unanimously by the CSTF. They would serve until the dissolution of the CSTF.

IV. Reports

- a) The CSTF will produce a report every six months after the date of its creation. The report will be public and should describe the methods and results in accomplishing its duties. Results should measure effectiveness not only through quantity, but also with an in-depth consideration of the quality of the processes achieved.
- b) The CSRs will report to the CSTF every month regarding the execution of their duties, including the flow of funds, the implementation of projects, challenges, roadblocks and successes, and progress towards resilient recovery.
- c) All reports will have to be produced in both English and Spanish. When handling audits and accounting processes, the CSTF has to ensure that Generally Accepted Accounting and Auditing Standards (GAAS) are used.
- d) Before dissolution, the CSTF should produce a report that illustrates in detail how it has fulfilled its duties, outline challenges, roadblocks and successes, explain its conclusions and provide final recommendations. This report will be public and shall be submitted to all the agencies involved in recovery, the Legislative Assembly of Puerto Rico and the Governor of Puerto Rico.

V. Duties of the CSTF

For the CSTF to serve to ensure participation, optimization, accountability, and transparency of the disaster recovery process, it shall:

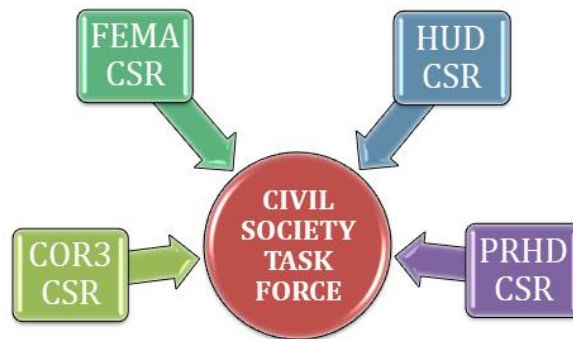
- a) Promote the collaboration between the central government of Puerto Rico, local municipal governments, nonprofit organizations, local businesses and other civil society groups involved in the recovery processes. Through the CSRs the CSTF will instruct regional collaborative actions for mitigation, adaptation and disaster risk recovery, and oversee that agencies and institutions undertake proper stakeholder analysis to ensure effective public participation.
- b) With the help of the CSRs, the CSTF will review, assess and oversee the operation of the programs funded with federal funds to ensure that policies and recovery and development project prioritization and implementation achieve equitable and resilient outcomes that help the people most in need, and that they include the necessary participatory mechanisms that warrant responsiveness to underserved populations and vulnerable groups, utilize local knowledge and apply innovative and sustainable solutions.
- c) Identify, propose, and oversee ways in which the canalization of federal funds can be agile and at the same time, identify problems of accountability and transparency that should be solved by the agencies.
- d) Review the data used and produced by the programs and make sure it is made public, and with the CSRs provide information about the progress of programs in addressing the needs of resilient recovery.
- e) With the help of the CSRs, the CSTF shall identify duplication, and propose solutions to onerous requirements, and other problems that cause backlogs.
- f) Monitor that recovery actions and programs do not violate human rights of the most vulnerable populations. This monitoring will be complemented by the CSRs, who will ensure the creation of policy and guidelines that protect against discrimination, displacement and guarantee the right to housing and other lifelines to low-, moderate-income and vulnerable communities.
- g) Oversee that processes are established by agencies and institutions to guarantee that federal spending will benefit local organizations and businesses by eliminating current challenges to their participation in the solicitation, including spending in capacity building and promoting creative ways of financing.
- h) Will produce the reports as explained above.

VI. Duties of the CSRs

The CSR will:

- a) Work within each of the agencies to develop work plans and execute the duties of the CSTF, as outlined above.

- b) CSRs in COR3 and PRHD will serve as special advisors to the Executive Directors of these agencies to oversee processes in which priorities are identified, criteria established, final documentation is produced for submission to the federal agencies for release of funds and to attend to any concern about transparency and accountability in contracting, among other possible duties within their responsibilities before the CSTF.
- c) CSRs in FEMA and HUD will serve as special advisors to the top official responsible for Puerto Rico funding to oversee processes of creation and implementation of policies that ensure effective public participation and equitable recovery and development; that the requests made by local agencies are expeditiously processed; attend to any concern about transparency and accountability in contracting, among other possible duties within their responsibilities before the CSTF.
- d) Meet with the CSTF at least on a monthly basis, and provide reports as outlined above.



VII. Authority of the CSTF

In order to carry out the duties described above, the CSTF may:

- a) Petition information from agencies, which will have to provide it to the CSTF within 30 calendar days.
- b) Present information requests before other public instances, including local and federal government.
- c) Order monitoring and auditing processes.
- d) Have primary jurisdiction to intervene, have knowledge of, and conduct, on the initiative of the CSTF, any investigation on any matter or dispute relating to the principles and duties outlined above.
- e) Request specific actions from agency directors relating to the CSTF duties and have primary jurisdiction to undertake administrative or judicial review processes as needed.

VIII. Membership

The following fifteen members will compose the CSTF:

- a) One CSR from FEMA, one CSR from HUD, one CSR from COR3, one CSR from PRDH, each one nominated by the CSTF and appointed by each of the agencies. Each of these CSRs should have demonstrated expertise and advanced academic preparation

in areas of federal and local disaster recovery policy, resilient planning, socio-economic development, and/or environmental justice, including basic understanding of geospatial data.

- b) Two representatives of municipalities selected by the Mayors of Puerto Rico.
- c) Four representatives from the organized low-moderate income communities selected by a general assembly of all leaders as convened by their main coalitions.
- d) Two representatives from the community based nonprofit organizations selected by an assembly of that sector as convened by their main organizations.
- e) One representative from the foundations and philanthropic sector selected by an assembly of that sector as convened by their main organizations.
- f) One representative of the business sector selected by an assembly of that sector as convened by their main organizations.
- g) One representative of the unions selected by an assembly of that sector as convened by their main organizations.
- h) Two representatives of the higher academic institutions in the island, one from the University of Puerto Rico, and another from private institutions, selected by each sector.

To assist in the coordination and transparency of elections processes, the different sectors are to be assisted by recognized professional organizations such as the Commission of Civil Liberties, the Association of Professional Social Workers of Puerto Rico, and the Law School Clinics. The different sectors will have no more than 60 days to provide the name of its initial member to the CSTF, and 30 days to nominate options for the CSRs. Groups should procure gender parity in their selection processes. Agencies will have 30 days to recruit their CSR after nominations from the CSTF are presented. These terms will also apply when the serving times for each member expires, or when a specific group revokes any of its members according to the process established by the group.

IX. Powers and responsibilities

To carry out their duties, the CSTF shall:

- a) Adopt internal policies and regulations for the proper operations and execution of their obligations. This includes the selection of the full-time Chairman of the CSTF.
- b) Designate and hire the necessary number of regular personnel needed to carry out their duties. The personnel should be duly qualified, and any conflict of interest has to be avoided. Outside consultants and firms may be hired only if all the documentation regarding their hiring, compensation and evaluation is made publicly available online at the CSTF's portal. Local firms and professionals should be given priority and the economic impact they have in Puerto Rico's economy will be a positive factor in their evaluation. Hiring of non local firms, defined as any with less than 5 full time employees in the island, should be explained in detail.
- c) Review and operate an annual budget and develop an operational plan for the CSTF.

- d) Request, when appropriate, the technical support from any public institution, including the University of Puerto Rico, or other organizations that can help with their duties.
- e) Hold meetings at least once a month, or special meetings upon the request of not less than five members of the CSTF.
- f) Access the information necessary to discharge their duties. If agencies do not comply with the term of 30 days to deliver the information, the CSTF may promote judicial intervention.
- g) File reports before local or federal governments as required above and to fulfill its duties.
- h) Propose rules and policies relating to promoting the principles discussed above.

X. Funding

The COR3 and the PRHD shall provide the CSTF with sufficient funds to carry out the duties as outlined above, including funds to pay fair compensation to members and staff of the CSTF, based on the annual budget prepared for the agencies as determined by the CSTF, that shall be included as a project cost within the recovery programs and prioritized over other private contracting costs.