



PUERTO RICO OFFICE
667 Calle La Paz
Suite 201
San Juan, Puerto Rico 00907
Phone: 787.417.7700

NATIONAL HEADQUARTERS
55 Exchange Place, 5th FL
New York, NY 10005
Phone: 212.233.8955
Hotline: 1.866.HF.AYUDA

May 26, 2020

Hon. Nancy Pelosi
Speaker of the U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20510

Hon. Chuck Schumer
Minority Leader of the U.S. Senate
322 Hart Senate Office Building
Washington DC 20510

Hon. Lamar Alexander
Chairman, Senate Committee on Health,
Education, Labor, and Pensions
455 Dirksen Office Building
Washington, DC 20510

Hon. Bobby Scott
Chairman, House Committee on Education and
Labor
1201 Longworth House Office Building
Washington, DC 20510

Hon. Patty Murray
Ranking Member
Senate HELP Committee
154 Russell Senate Office Building
Washington, DC 20510

Dear Speaker Pelosi, Minority Leader Schumer, Chairman Alexander, Chairman Scott, and Ranking Member Murray:

We write to you with urgent concern for the children of Puerto Rico whose education and safety are at risk due to interference from the US Department of Education (USDE) in the island's implementation of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act. The bipartisan legislation you worked so hard to pass and to ensure the inclusion of Puerto Rico.

Hispanic Federation (HF) is a leading social service and advocacy member organization with a national network of hundreds of Latino community-based health and human service agencies working to promote the social, political, and economic well-being of Latino communities. Founded in 1990 to support Latino institutions in New York City, the federation has expanded our work into twenty-two states, Puerto Rico and the District of Columbia.

We are writing to urge you to **mandate the Secretary of the U.S. Department of Education, Hon. Betsy DeVos, to comply with the CARES Act's original intent** and provide the Puerto Rico Department of Education (PRDE) and Puerto Rico Governor, Hon. Wanda Vázquez Garced, immediate access to the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) and the Governor's Emergency Education Relief Fund (GEER Fund), created in the CARES Act. The USDE must not be permitted to prioritize administrative and bureaucratic processes over our children's education and public health.

The CARES Act recognized that in order to limit further interruption to education services caused by COVID-19 and ensure the safety of our nation's children, school districts would need **a rapid injection of flexible funding** to quickly adapt systems and protocols, acquire technological and safety equipment, and hire professionals and specialists needed to restart our schools and limit the spread of the virus. With that purpose in mind, the CARES Act created the ESSER Fund and the GEER Fund. **As permitted under these**

CARES Act funds, the PRDE and Puerto Rico's Governor should receive \$349,113,000 under the ESSER Fund, and \$47,812,236 under the GEER Fund, respectively. These funds are desperately needed to get Puerto Rico's children back in school smoothly and safely when the semester begins again in August 2020.

We are therefore outraged to learn that the **USDE Risk Management Services has informed the PRDE that before they can access the emergency funds, they must first fully-establish a third-party fiduciary agent (TPFA) to oversee said funds.** Complying with this burdensome condition will greatly delay the implementation of any emergency funding, distorting the funds' intended purpose and deny the children of Puerto Rico a rapid and safe return to their education during this pandemic.

The USDE had previously imposed a TPFA on the PRDE for oversight of the regular federal funds they receive and administer annually, a condition the PRDE accepted. Recently, the PRDE informed they are still in negotiations with the TPFA selected, in order to protect the student's interest. Under the best circumstances, a fair contracting negotiation takes time, as does the onboarding required to integrate a TPFA. **Even if a TPFA were in place tomorrow, it, like any added bureaucratic layers, would slow down the use of the emergency funds to the point that their critical intended purpose would be voided.** It is also worth noting that PRDE has already been implementing emergency funds from hurricanes Maria and Irma and reports monthly on their use to the USDE Disaster Recovery Unit.

Puerto Rico's students have been through so much. Sixty percent of the island's children live in poverty. The debt crisis and resulting austerity closed hundreds of their public schools. The 2017 hurricanes Irma and María caused widespread destruction, death, and the loss of months of education. The ongoing earthquakes, which began in December 2019, left many children without a safe school to attend or house to live in, and some schools had not yet reopened when the COVID-19 pandemic once again closed the entire system. **All these disasters have undermined their human right to a safe and adequate education.** The uncertainty of not having the resources to return to school or the necessary equipment to learn from home is a daily burden that Puerto Rican students, parents and teachers face.

The students of Puerto Rico deserve better, and certainly deserve the same advantages provided to students in every other school district to fight this pandemic and reach their full academic potential. This was your intended goal with the CARES Act ESSER and GEER funds and Secretary DeVos must comply with that goal and place children and safety first. Again, **we request that you take immediate action to ensure that this goal is accomplished.**

Should you have any questions or require more information, please contact Laura M. Esquivel, Vice President for Federal Advocacy at lesquivel@hispanicfederation.org or Charlotte Gossett Navarro, Puerto Rico Chief Director at cgossett@hispanicfederation.org. Thank you for your attention to these concerns. Hispanic Federation is committed to remain on the front lines to ensure that rights of Latino communities across the nation are upheld.

Cordially,



Frankie Miranda
President
Hispanic Federation



Charlotte Gossett Navarro
Puerto Rico Chief Director
Hispanic Federation



Laura Esquivel
Vice President for Federal
Advocacy
Hispanic Federation

Cc:

Hon. Wanda Vázquez Garced
Governor of Puerto Rico

Hon. Richard Blumenthal
U.S. Senate

Hon. Tim Kaine
U.S. Senate

Hon. Marco Rubio
U.S. Senate

Hon. Chris Murphy
U.S. Senate

Hon. Bernie Sanders
U.S. Senate

Hon. Elizabeth Warren
U.S. Senate

Hon. Joaquín Castro
U.S. House of Representatives

Hon. Raúl Grijalva
U.S. House of Representatives

Hon. Jenniffer González-Colón
U.S. House of Representatives

Hon. Gregorio Kilili Camacho Sablan
U.S. House of Representatives

Hon. José Serrano
U.S. House of Representatives

Hon. Darren Soto
U.S. House of Representatives

Hon. Nydia Velazquez
U.S. House of Representatives

Endorsed by:

Marcos Vilar
Executive Director
Alianza for Progress

Clavel Méndez
Executive Director
Alianza para la Educación Alternativa

Marianne Ramírez-Aponte
President
Asociación de Museos de Puerto Rico

Dra. Kalitza Baerga-Santini
President
Asociación de Psicología de Puerto Rico

Cora Arce Rivera
Executive Director
ASPIRA Inc. de Puerto Rico

Valeriano Weyler
Member
Biblioteca Juvenil de Mayagüez

Zenia González
President
**Junta Comunitaria del Casco Urbano de Río
Piedras/Casa de Cultura Ruth Hernández Torres**

Yadira Pizarro-Quiles
Executive Director at ESCAPE
Centro de Fortalecimiento Familiar

Vanessa Caldari
Executive Director
Centro MAM

Francisco J. Rodríguez Fraticelli
Executive President
Coalición de Coaliciones

Edgardo Román
President
Colegio de Abogados y Abogadas de Puerto Rico

Profa. Mabel T. López Ortiz, Ph.D.
President
Colegio de Profesionales del Trabajo Social de PR

Reynaldo Alegría
President
**Comisión en Torno a los Derechos de la Niñez del
Colegio de Abogados y Abogadas de Puerto Rico**

Larry Emil Alicea Rodríguez, MTS, JD
President
**Federación Internacional de Trabajo Social (FITS)
América Latina y el Caribe**

Glenisse Pagán Ortiz
Executive Director
Filantropía Puerto Rico

Nayda Bobonis Cabrera, Esq.
Public Policy Coordinator
**Fuertes, Unidos y Resilientes con la Abogacía
(FURIA, Inc.)**

Laura López Torres
Executive Director
Fundación Ángel Ramos

Paula Rivera, PhDc
Executive Director
Fundación Atención Atención

Beatriz Polhamus
Executive Director
Fundación Banco Popular

Mónica de la Torre
President and Founder
Fundación Colibrí

Carlos Rodríguez
Executive Director
Fundación Flamboyán

Eduardo A. Lugo Hernández
Executive Director
Impacto Juventud

Yorelys Rivera Amador
Directora Ejecutiva
Iniciativa Comunitaria de Investigación, Inc.

Yadira Valdivia
Executive Director
Liberty Foundation

Alejandro Silva
Executive Director
Mentes Puertorriqueñas en Acción, Inc.

Lourdes Miranda
President
Miranda Foundation

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Miranda Foundation/TransformArte

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Executive Director
Nuestra Escuela

María Concepción
Program Manager
Oxfam America

José J. Oquendo Cruz, M.C, M.S.
President and Principal Executive Official
P.E.C.E.S., Inc.

Érica González
Director
Power4PR Coalition

Enid Marie Reyes
Executive Director
PR Education Foundation

Anayra I. Túa-López, PhD, MPH
Chief Executive Officer
Proyecto Nacer, Inc.

Iván Fontánez
Member
Puerto Ricans In Minnesota Committee

Nelson Colón
President
Puerto Rico Community Foundation

Marcos Santana Andújar
Executive Director
Red Por los Derechos de la Niñez y Juventud de P.R.

Jeffrey Rivera Sanabria
Presidente
Consejo de Residentes
Res. Luis Llorens Torres Sector Youth Center

Yolanda Rodríguez León
SER de Puerto Rico

Tania Rosario Méndez
Executive Director
Taller Salud

Sofía Martínez-Álvarez
Executive Director
Titín Foundation

Raquel Skerrett Escalera
Executive Director
Vitrina Solidaria

Amanda Rivera
Executive Director
Youth Development Institute of Puerto Rico