

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

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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

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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

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.

Puerto Rico's children back in school smoothly and safely when the semester begins again in August 2020.

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,

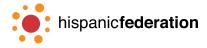
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Cc:

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

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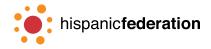
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