

116TH CONGRESS
2D SESSION

H. R. 8978

To establish the Office for the Equitable, Transparent, and Accountable
Puerto Rico Reconstruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2020

Mr. GARCÍA of Illinois (for himself, Mr. ESPAILLAT, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Office for the Equitable, Transparent, and
Accountable Puerto Rico Reconstruction, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Driven Re-
5 covery for Puerto Rico Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Recovery from the devastation caused by
2 natural disasters should be agile, effective, and pro-
3 mote resiliency for future disasters. Other priorities
4 include promoting accountability and transparency
5 in the use of Federal funds that will be spent in
6 these efforts and implementing mechanisms to en-
7 sure those ends.

8 (2) The current systems of the agencies in
9 charge of recovery in Puerto Rico are over-central-
10 ized and do not serve the purpose of agile and effec-
11 tive planning and implementation or of effective
12 monitoring and accounting.

13 (3) The centralized system of Federal recovery
14 spending for Puerto Rico excludes most communities
15 from program design and program implementation
16 prioritization, does not take advantage of the local
17 historical and institutional knowledge on the use of
18 Federal recovery funds, and is not as flexible and re-
19 sponsive as the local implementation network.

20 (4) An Office for Equitable, Transparent, and
21 Accountable Puerto Rico Reconstruction should be
22 established so that diverse civil society leaders in
23 Puerto Rico are in positions to help ensure equi-
24 table, effective, transparent, and accountable recov-
25 ery and development of Puerto Rico.

1 (5) The work of the Office for Equitable,
2 Transparent, and Accountable Puerto Rico Recon-
3 struction should be guided by the following prin-
4 ciples:

5 (A) Equitable and resilient recovery and
6 development that is responsive to under-served
7 populations and vulnerable groups as well as
8 applies innovative and sustainable investments.

9 (B) An empowered civil society in Puerto
10 Rico that does not substitute State or local gov-
11 ernment, but that is protected from abuse and
12 that can participate in the decision making
13 processes through effective participation mecha-
14 nisms, as through their local organizations and
15 government representatives.

16 (C) Effective and agile spending of Federal
17 funds for the recovery and long-term resiliency
18 of families, communities, municipalities, and
19 local Puerto Rican businesses and organiza-
20 tions.

21 (D) Accountability of those executing and
22 implementing plans and programs, and trans-
23 parency before the Federal government and the
24 people from Puerto Rico.

1 (E) Recovery efforts that feed on local
 2 knowledge and visions on how to rebuild the is-
 3 land.

4 (F) A regional approach to mitigation and
 5 adaptation through the coordination of Federal,
 6 State, local, and community efforts.

7 **SEC. 3. OFFICE FOR EQUITABLE, TRANSPARENT, AND AC-**
 8 **COUNTABLE PUERTO RICO RECONSTRUC-**
 9 **TION.**

10 (a) ESTABLISHMENT OF THE OFFICE FOR EQUI-
 11 TABLE, TRANSPARENT, AND ACCOUNTABLE PUERTO
 12 RICO RECONSTRUCTION.—There is established the Office
 13 for Equitable, Transparent, and Accountable Puerto Rico
 14 Reconstruction which shall be headed by the Puerto Rico
 15 Civil Society Task Force with the lead of its Chairperson.

16 (b) CIVIL SOCIETY TASK FORCE.—

17 (1) ESTABLISHMENT.—There is hereby estab-
 18 lished the Puerto Rico Civil Society Task Force as
 19 an independent Federal entity established to ensure
 20 accountability of and local oversight over reconstruc-
 21 tion efforts in Puerto Rico.

22 (2) COMPOSITION.—The Task Force shall be
 23 composed of 13 members, who shall be selected not
 24 more than 60 days after the date of the enactment
 25 of this Act as follows:

1 (A) Two members to represent the municipi-
2 palities of Puerto Rico, selected by the 78 May-
3 ors of Puerto Rico in an election held during a
4 general assembly of Mayors. Each Mayor shall
5 nominate a resident of their municipality to
6 participate as a candidate for representative to
7 the civil society task force. Candidates should
8 be of legal age and should not be employed by
9 the government.

10 (B) Four members to represent the orga-
11 nized low-moderate income communities, se-
12 lected in an election held during a general as-
13 sembly of eligible community leaders. Eligible
14 community leaders shall have been the elected
15 representatives of their official community
16 Board as shown by certification from that
17 Board.

18 (C) Two members to represent community
19 based non-profit organizations, selected in an
20 election held during a general assembly of eligi-
21 ble non-profit organizations. Eligible non-profit
22 organizations must be registered as such in the
23 Puerto Rico State Department, be exempt from
24 local or federal taxes, and provide socio-
25 economic services directly to communities, in-

cluding social services, education, health, economic development, housing, environment, culture and arts. Educational institutions, such as private schools, universities or other post-secondary education organizations, or hospitals that are not small community health providers are not eligible to participate in the general assembly of non-profit organizations.

(D) One member to represent the foundation and philanthropic sector, selected in an election held during a general assembly of eligible non-profit philanthropic foundations. Eligible philanthropic foundations must be registered as such in the Puerto Rico State Department, and concentrate their efforts in offering grants, donations and financial support to other service providers.

(E) One member to represent the business sector, selected in an election held during a general assembly convened by the principal business organizations of Puerto Rico, including the Puerto Rico Chamber of Commerce, Cooperative Executives Association (Asociación de Ejecutivos de Cooperativas), Centro Unido de Detallistas, Entrepreneurs for Puerto Rico

(Empresarios por Puerto Rico), the Public Accountant Bar (Colegio de Contadores Públicos Autorizados) and the Economist Association of Puerto Rico (Asociación de Economistas de Puerto Rico).

(F) One member to represent labor unions, selected through an election held during a general assembly of eligible unions in Puerto Rico. An eligible union must be recognized as such by the Department of Labor.

(G) Two members to represent higher academic institutions, colleges and universities in Puerto Rico, one selected by the University of Puerto Rico, and another selected in an election held during a general assembly of eligible private higher education institutions. Eligible private higher education institution must be recognized as such by the Puerto Rico State Department Board of Postsecondary Institutions.

(3) ELECTION COORDINATION AND CONSULTATION.—A working group composed of the Puerto Rico Commission of Civil Liberties, the Association of Professionals of Social Work and the Puerto Rico Bar Association will establish uniform standards for the elections and general assemblies outlined above.

1 The working group will develop standards outlining
2 the following:

3 (A) Timely and effective notification of
4 participants in each general assembly.

5 (B) Verification of participant eligibility in
6 each general assembly.

7 (C) Procedures for holding elections to de-
8 termine each group's representative to the Civil
9 Society Task Force.

10 (D) Uniform standards for quorum and
11 necessary parliamentary mechanisms to guar-
12 antee a fair general assembly and election proc-
13 ess for all eligible participants.

14 (E) Best practices for encouraging gender
15 parity in the selection process.

16 (4) TERM; REMOVAL.—The term of a member
17 of the Task Force shall be for the duration of the
18 Task Force, unless the member is removed in ac-
19 cordance with a process established by—

20 (A) the Mayors of Puerto Rico, in the case
21 of members described in paragraph (2)(A); and

22 (B) the assembly of the sector that se-
23 lected the member, in the case of members de-
24 scribed in subparagraphs (B) through (G) of
25 paragraph (2).

1 (5) DISSOLUTION; REACTIVATION.—

2 (A) DISSOLUTION.—The Task Force shall
3 continue until 180 days consecutive days have
4 elapsed during which—

5 (i) all recovery projects undertaken
6 with Federal funds have been implemented;
7 and

8 (ii) no active emergency or disaster
9 declaration has been in force or been peti-
10 tioned by the Governor of Puerto Rico.

11 (B) REACTIVATION.—If, after the Task
12 Force has dissolved, an emergency or disaster
13 declaration is petitioned by the Governor of
14 Puerto Rico, the Task Force shall be reac-
15 tivated.

16 (c) CIVIL SOCIETY TASK FORCE REPRESENTATIVES
17 TO THE AGENCIES.—

18 (1) APPOINTMENT OF REPRESENTATIVES.—

19 (A) NOMINATION.—Not later than 90 days
20 after the date of the enactment of this Act, the
21 Task Force shall submit to each agency the
22 name of two individuals with the qualifications
23 listed in paragraph (3), as nominees to rep-
24 resent the Task Force at that agency.

1 (B) APPOINTMENT.—Each agency shall
2 appoint one of the individuals nominated under
3 subparagraph (A) as the Civil Society Task
4 Force Representative at that agency.

5 (C) EXPANSION.—The Civil Society Task
6 Force may call for the creation of additional
7 Civil Society Task Force Representatives if this
8 is required for proper oversight of Federal
9 funds for recovery.

10 (2) TERM.—The term of each Civil Society
11 Task Force Representative shall be—

12 (A) one year; and

13 (B) subsequent one year terms, if the Civil
14 Society Task Force Representative is renomi-
15 nated by unanimous vote of the Task Force.

16 (3) QUALIFICATIONS.—To be nominated under
17 paragraph (1), an individual shall—

18 (A) have substantial knowledge and exper-
19 tise in post-disaster planning, including estab-
20 lishing credible and transparent governance
21 structures;

22 (B) be fluent in both English and Spanish
23 languages;

24 (C) have demonstrated expertise and expe-
25 rience in Federal and local disaster recovery

1 policy, resilience planning, socio-economic devel-
2 opment, environmental justice, rights-based
3 policies to address poverty and inequality, or a
4 combination of those fields;

5 (D) not currently provide goods or services
6 to the government of the Commonwealth of
7 Puerto Rico in the preceding calendar year;

8 (E) not be the spouse, parent, child, or sib-
9 ling of a person who provides or has provided
10 goods and services to the government of the
11 Commonwealth of Puerto Rico in the preceding
12 calendar year; and

13 (F) not be an officer, employee of, or
14 former officer or employee of the government of
15 the Commonwealth of Puerto Rico in the pre-
16 ceding 3 calendar years.

17 (d) DUTIES, RESPONSIBILITIES, POWERS, AUTHOR-
18 ITY, AND REPORTS.—

19 (1) DUTIES OF THE TASK FORCE.—To ensure
20 participation, optimization, accountability, and
21 transparency of the disaster recovery process in
22 Puerto Rico, the duties of the Task Force shall be
23 the following:

24 (A) Promote collaboration between Federal
25 agencies, the central Government of Puerto

1 Rico, local municipal governments, nonprofit or-
2 ganizations, local businesses, and other civil so-
3 ciety groups involved in the recovery process
4 and to ensure that people with disabilities and
5 elderly populations are prioritized and able to
6 participate in the planning and implementation
7 process.

8 (B) Through the Civil Society Task Force
9 Representatives, initiate regional, collaborative
10 actions for mitigation, adaptation and disaster
11 risk recovery and oversee agencies and institu-
12 tions to ensure that they undertake proper
13 stakeholder analysis for effective public partici-
14 pation.

15 (C) With the assistance of the Civil Society
16 Task Force Representatives, review, assess, and
17 oversee the operation of the programs funded
18 with Federal funds to ensure that policies and
19 recovery and development project prioritization
20 and implementation—

21 (i) achieve equitable and resilient out-
22 comes that help the people most in need;
23 and

24 (ii) incorporate participatory struc-
25 tures that respond to underserved popu-

1 lations and vulnerable groups, use local
2 knowledge, and apply innovative and sus-
3 tainable solutions.

4 (D) Propose ways in which the canalization
5 of Federal funds can be agile.

6 (E) Identify problems of accountability and
7 transparency that should be solved by each
8 agency.

9 (F) Review the data used and produced by
10 the programs and make sure that data is avail-
11 able for public review.

12 (G) With the assistance of the Civil Society
13 Task Force Representatives, provide informa-
14 tion to the public about the progress of pro-
15 grams in addressing the needs of resilient re-
16 covery.

17 (H) With the assistance of the Civil Soci-
18 ety Task Force Representatives—

19 (i) identify duplication; and

20 (ii) propose solutions to onerous re-
21 quirements and other problems that cause
22 backlogs.

23 (I) Monitor that recovery actions and pro-
24 grams do not violate human rights, especially
25 those of the most vulnerable populations.

(J) Facilitate cooperation between community organizations and experts in Puerto Rico to build a base of local knowledge and best practices for disaster preparedness, relief, recovery and reconstruction; enhance local capacity to carry out Federal contracts in those areas; and establish processes within Federal agencies to ensure that Federal contracts benefit local organizations, firms, and individuals.

(K) Produce and publish impact dashboards with the reports required under paragraph (4)(A).

(L) Contract and consult with local scientists, professionals and nonprofits whenever possible and justify any contract with an organization, firm, or individual based outside of Puerto Rico in writing in the contract file.

(2) DUTIES OF THE CIVIL SOCIETY TASK FORCE REPRESENTATIVE.—Each Civil Society Task Force Representative shall—

(A) work within their agency to develop work plans and execute the duties of the Task Force, as outlined above;

(B) serve as special advisors to the Executive Directors of their agency to oversee proc-

1 esses in which priorities are identified, criteria
2 established, final documentation is produced for
3 submission to the Federal agencies for release
4 of funds and to attend to any concern about
5 transparency and accountability in contracting,
6 among other possible duties within their respon-
7 sibilities before the Task Force;

8 (C) ensure that policies and guidelines are
9 in place to protect against discrimination and
10 displacement, and guarantee the right to hous-
11 ing and other lifelines to low-, moderate-income
12 and vulnerable communities;

13 (D) serve as special advisors to the top of-
14 ficial responsible for Puerto Rico funding to
15 oversee processes of creation and implementa-
16 tion of policies that ensure effective public par-
17 ticipation and equitable recovery and develop-
18 ment; that the requests made by local agencies
19 are expeditiously processed; attend to any con-
20 cern about transparency and accountability in
21 contracting, among other possible duties within
22 their responsibilities before the Task Force; and

23 (E) meet with the Task Force at least on
24 a monthly basis, and provide reports as outlined
25 in this article, in subsection (e)(3)(A).

1 (3) DUTIES; AUTHORITY.—To carry out its du-
2 ties, the Office shall have the following duties and
3 authority:

4 (A) Adopt internal policies and regulations
5 for the proper operations and execution of the
6 obligations of the Office, including the selection
7 of the Chairman of the Task Force, who will be
8 the leader and spokesperson of the Office.

9 (B) Designate and hire the necessary per-
10 sonnel to carry out the duties of the Office.
11 Such personnel shall be duly qualified, with no
12 conflicts of interest. Outside consultants and
13 businesses may be designated or hired only if
14 all the documentation regarding such hiring,
15 compensation, and evaluation is publicly avail-
16 able on the website of the Task Force. Local
17 firms and professionals shall be given priority
18 and the economic impact hiring such firm and
19 professionals will have on the economy of Puer-
20 to Rico will be a positive factor during any hir-
21 ing decisions. Hiring of businesses with less
22 than 5 full time employees based in Puerto Rico
23 should be explained with the explanation avail-
24 able to the public.

1 (C) Develop, review, and implement an an-
2 nual budget and an operational plan for the
3 Task Force.

4 (D) Request, when appropriate, technical
5 support from any public institution, including
6 the University of Puerto Rico, or other organi-
7 zations.

8 (E) Hold meetings not less than once a
9 month and special meetings upon the request of
10 5 or more members of the Task Force.

11 (F) Access the information necessary to
12 discharge its duties. If Federal or local agencies
13 do not comply with a request for information
14 within 30 days after a request for that informa-
15 tion, the Task Force shall have standing to seek
16 and obtain judicial intervention. The following
17 information should be proactively disclosed in a
18 machine-readable format to enable proper moni-
19 toring and oversight of recovery funds:

20 (i) Agendas, minutes and resolutions
21 of all official meetings.

22 (ii) Budget allocations, approval and
23 commitments.

24 (iii) Strategic plans, proposed activi-
25 ties/projects, progress reports, approved

1 budget and monthly actual spending re-
2 ports (incl. travel, reimbursement informa-
3 tion, contracts, materials, staff wages,
4 etc.).

5 (iv) Contractual documentation (incl.
6 needs assessment and feasibility study,
7 procurement plan and budget, tender an-
8 nouncements, tender/bidding processes and
9 rational, tender documentation, funding
10 source, prequalification/request for pro-
11 posals, amendments to tenders, proposals/
12 bids, evaluation criteria, evaluation reports
13 and decisions, awards, contracts with an-
14 nexes, contract amendments, contractors'
15 information, progress and performance re-
16 ports and evaluations, evidence of service
17 or products rendered, audits, and pay-
18 ments).

19 (v) Hiring documentation (recruiting
20 announcements, evaluations and decisions,
21 and agreed upon contract and compensa-
22 tion information).

23 (vi) Impact monitoring and evaluation
24 documentation.

1 (vii) Participatory mechanisms used
2 and outcomes, including notice and min-
3 utes of public hearings/consultations.

4 (viii) Urban planning agreements and
5 modifications.

6 (ix) Relevant regulations, policies,
7 protocols, codes or plans.

8 (x) External and internal audits.

9 (xi) Additional public information re-
10 quests, shall be evaluated and provided
11 within 30 days, excluding confidential in-
12 formation, as determined by law.

13 (G) File reports before local or Federal
14 Governments, as required in this Act and to ful-
15 fill its duties.

16 (H) Propose rules and policies relating to
17 promoting the principles listed in section 1(5).

18 (I) Order monitoring and auditing proc-
19 esses.

20 (J) Have primary jurisdiction to intervene,
21 have knowledge of, and conduct, on the initia-
22 tive of the Task Force, any investigation on any
23 matter or dispute relating to the principles and
24 its duties under this Act.

1 (K) Request specific actions from agency
2 directors relating to the Task Force duties.

3 (L) Advocate for strong administrative
4 oversight and have standing to undertake ad-
5 ministrative or judicial review processes as
6 needed.

7 (4) REPORTS.—

8 (A) Not later than 180 days after the date
9 of the enactment of this section, and not later
10 than every 180 days thereafter, the Office shall
11 file with the Committee on Natural Resources
12 of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the
14 Senate, the Governor of Puerto Rico, and the
15 Legislative Assembly of Puerto Rico, and make
16 publicly available, a report that describes—

17 (i) the progress of the Office in car-
18 rying out its duties; and

19 (ii) the methods and results of the Of-
20 fice in accomplishing its duties, measuring
21 effectiveness through quantity and with in-
22 depth consideration of the quality of the
23 processes achieved.

24 (B) The Civil Society Task Force Rep-
25 resentatives shall report to the Task Force

1 every month regarding the execution of their
2 duties, including the flow of funds, the imple-
3 mentation of projects, challenges, roadblocks
4 and successes, and progress towards resilient
5 recovery.

6 (C) All reports required under this para-
7 graph shall be produced in both English and
8 Spanish.

9 (D) Before dissolution, the Task Force
10 shall produce a report that illustrates, in detail,
11 how the Task Force fulfilled its duties, outline
12 challenges, roadblocks and successes, explain its
13 conclusions and provide final recommendations.
14 This report shall be publically available and
15 shall be submitted to Congress, all the agencies
16 involved in recovery, the Governor of Puerto
17 Rico, and the Legislative Assembly of Puerto
18 Rico.

19 (e) FUNDING FOR OPERATION.—The Office shall be
20 funded by the administrative portion of the estimated
21 Community Development Block Grant Disaster Recovery
22 disbursements for Puerto Rico. The funds should be suffi-
23 cient to carry out the duties of the Office, including funds
24 to pay fair compensation to members and staff of the Task
25 Force, based on the annual budget prepared for the De-

1 partment of Housing and Urban Development and the
2 Puerto Rico Housing Department, as determined by the
3 Task Force, that shall be included as a project cost within
4 the recovery programs and prioritized over other private
5 contracting costs.

6 **SEC. 4. DEFINITIONS.**

7 For the purposes of this Act:

8 (1) AGENCY.—The term “agency” means each
9 of the following:

10 (A) The Federal Emergency Management
11 Agency.

12 (B) The Department of Housing and
13 Urban Development.

14 (C) The Puerto Rico Central Recovery and
15 Reconstruction Office.

16 (D) The Puerto Rico Housing Department.

17 (2) CIVIL SOCIETY TASK FORCE REPRESENTA-
18 TIVE.—The term “Civil Society Task Force Rep-
19 resentative” means an individual appointed under
20 section 2(c).

21 (3) OFFICE.—The term “Office” means the Of-
22 fice for the Equitable, Transparent, and Accountable
23 Puerto Rico Reconstruction established by this Act.

1 (4) TASK FORCE.—The term “Task Force”
2 means the Puerto Rico Civil Society Task Force es-
3 tablished under this Act.

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