

[EXTERNAL] FW: Bader FOIA: Gonzalez responsive documents (Part 2 of 3)

From: David Ganz
To: hfb138@yahoo.com
Cc: Tilghman, Michael (USADC)
Recipients: hfb138@yahoo.com; MTilghman@usa.doj.gov

From: David Ganz Sent: Monday, October 25, 2021 10:30 AM To: 'Tilghman, Michael (USADC)' <Michael.Tilghman@usdoj.gov> Cc: Pilar McLaughlin <pmclaughlin@uscrr.gov>; Sheryl Cozart <sccozart@uscrr.gov>; Andrew Gall <agall@uscrr.gov> Subject: Bader FOIA: Gonzalez responsive documents (Part 2 of 3)

David Ganz
General Counsel, Office of the General Counsel
U.S. Commission on Civil Rights
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Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

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Date : 7/1/2020 12:45:05 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Cc : "Latrice Foshee" lfoshee@uscrr.gov Subject : Re: Interest in the Commission Hi Diego, thanks very much!

I'm copying our intern coordinator Latrice Foshee. I believe we may have room for one more remote intern in the Fall, if you're interested in that position. I will have to look into it but the meantime, Latrice can send you our internship description, and please feel free to reply with your resume and a brief cover letter.

We have spaces in the Spring as well but that might not be remote - it's hard to tell.

Best regards, Kathy

From: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Sent: Wednesday, July 1, 2020 12:40:48 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Interest in the Commission Hi Kathy! I hope this email finds you well! First off, thank you so much for the presentation today! I just sent an email to Dr. Marik expressing my passion for what your team discussed, but your presentation was so phenomenal! Also! Can you share more about the fall internship positions? I would love to see if I could get involved! Thank you so much in advance! Kind regards, Diego Galeazzi Alvarez

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Date : 7/1/2020 9:13:28 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Leah Aden" laden@naacpldf.org Subject : Re: quick question Hi Leah, can I give you a call to answer?

From: Leah Aden <laden@naacpldf.org> Sent: Wednesday, July 1, 2020 8:40:43 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] quick question Hi Kathy – Quick question. Is today, July 1, a firm deadline for receipt of the testimony? Leah Aden Deputy Director of Litigation NAACP Legal Defense and Educational Fund, Inc. 40 Rector Street, 5th Floor, New York, NY 10006 212.965.7715 LAden@naacpldf.org www.naacpldf.org

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<mailto:L.Aden@naacpldf.org>
<https://url.emailprotection.link/?blUYNU355eq4PhXsV2B1QN98VYzITApct6yxJv3rjXDHqpKDRraHq629BISnQ95LWjr5QIUfYf yXaHp7TxQ~~>

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Date : 7/2/2020 8:11:20 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Zachary Parrish" zp0984a@student.american.edu Cc : "Nicholas Bair" nbair@uscrr.gov Subject : Fw: new case Hi Zach, not sure if you got this. This is just a yes or no but if yes cite to where it mentions race or disability, please. Thanks, Kathy

From: Katherine Culliton-Gonzalez Sent: Wednesday, July 1, 2020 10:51 AM To: Zachary Parrish - Intern Cc: Nicholas Bair Subject: new case Hi Zach, could you read this complaint and let us know if it mentions race or language or disability? I only have time to skim it so could benefit from your review. https://moritzlaw.osu.edu/electionlaw/litigation/documents/Trump_v_Boockvar_4.pdf

Don't spend any more time than needed to just let me know as I already have the key points pulled out that I need for the report.

Thanks, Kathy

https://moritzlaw.osu.edu/electionlaw/litigation/documents/Trump_v_Boockvar_4.pdf

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Date : 7/2/2020 8:10:11 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Zachary Parrish" zp0984a@student.american.edu Subject : Re: [EXTERNAL] Hans A. von Spakovsky Testimony Summary Thanks Zach this is really helpful.

We'll get you the form of citations, and in the meantime, please don't put them in text. All of our reports use footnotes. (See ussrr.gov.)

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Thursday, July 2, 2020 8:00:00 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Hans A. von Spakovsky Testimony Summary Hi Kathy,

Good morning! I've attached my draft of the testimony summary of Mr. von Spakovsky to this email. I've never written a summary of testimony for an official document before so I wasn't sure about the grammatical format and the length of it. Of course, I'm happy to cut it down if it's too long. Also, I checked on SecuriSync and couldn't find the specific citation guidelines that Nick mentioned, so I just added in-text citations as a placeholder.

I look forward to your feedback!

Best regards, Zach

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

<mailto:zp0984a@gmail.student.american.edu>

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Date : 7/2/2020 12:51:44 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Matt Barreto" matt@uclavrp.org, "Nicholas Bair" nbair@usccr.gov Cc : "Sonni Waknin" sonni@uclavrp.org Subject : Re: [EXTERNAL] Re: UCLA Voting Rights Project - Testimony Hi Matt, it's a public document that we will also eventually post on our website, so you can certainly post it if you'd like. Thanks so much for asking.

We really appreciate your testimony.

-Kathy

From: Matt Barreto <matt@uclavrp.org> Sent: Thursday, July 2, 2020 12:47:40 PM To: Nicholas Bair Cc: Katherine Culliton-Gonzalez; Sonni Waknin Subject: [EXTERNAL] Re: UCLA Voting Rights Project - Testimony Thanks Nick. Is this the sort of document we should eventually also post to our Center's website, or does it need to remain internal?

Best, MB

On Thu, Jul 2, 2020 at 5:45 AM Nicholas Bair <nbair@usccr.gov> wrote: Good morning Matt and Sonni, We have received your written submission. Thank you again for your interest in the Commission's work. Best regards, Nick Nicholas Bair, Esq. Civil Rights Analyst U.S. Commission on Civil Rights Office of Civil Rights Evaluation nbair@usccr.gov www.usccr.gov 1331 Pennsylvania Avenue, NW Suite 1150 Washington D.C. 20425 From: Matt Barreto <matt@uclavrp.org> Sent: Wednesday, July 1, 2020 9:34 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Sonni Waknin <sonni@uclavrp.org> Subject: [EXTERNAL] UCLA Voting Rights Project - Testimony

<mailto:nbair@usccr.gov>
<mailto:nbair@usccr.gov>
https://url.emailprotection.link/?bEoMuFIT2RY2FFKF4WMI4xG-9fOvbrT5GvjWuSzZ7zS_0w9VYy9OnoTIZqkS01I3XN_EC08FtCvUIHaSMC70EmA~~~
<mailto:matt@uclavrp.org>
<mailto:nbair@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:sonni@uclavrp.org>

See attached. Thank you, Matt & Sonni

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Date : 7/6/2020 9:32:31 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zachary Parrish" zp0984a@student.american.edu Cc : "Nicholas Bair" nbair@usccr.gov Subject : Re: [EXTERNAL] Summary Questions & Trump v. Boockvar Hi Zach, I hope you had a great holiday weekend too!

I'm looping in Nick who will be helping to manage the write-ups of all the pieces of testimony.

For the write-up, I would avoid using *ibid.* because this is not the final text, and it gives us more flexibility later. We will be using your write-ups to add to our draft and every time there's an *Id.* or *ibid.* we have to redo the cite.

Minority means people of color and doesn't include voters with disabilities. To answer your question, just use the most precise language that you can. If Hans was talking about both voters of color and voters with disabilities, then say it that way.

Thanks for the update on Trump v. Boockvar. What did they say about "non- disabled voters?"

Please let us know, and after you've completed this please feel free to move on to the next testimony you were assigned.

Thanks so much for your contributions, Kathy

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Thursday, July 2, 2020 4:26:10 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Summary Questions & Trump v. Boockvar Hi Kathy,

Hope you're doing well! I have a few questions before I turn in for the weekend. Having received the quick reference sheet for citations, I just wanted to clarify that the footnotes will be "*ibid.*, 3" and not "von Spakovsky Statement, at 3" because I'm not citing any other source.

Also, I was wondering if I should keep the word "minority" in the summary (as opposed to saying "people of color," as recommended in the quick reference sheet) because it refers to voters with disabilities as well as people of color.

Finally, I looked at the Trump v. Boockvar case, and there weren't any mentions of minorities or LEP voters. There were mentions of disabilities, but only in the context of "non-disabled" voters that are participating in absentee voting, so I didn't take it to be relevant to what we're researching.

If our long weekend has already started, I'm happy to wait until Monday for a response and I hope you have a great holiday weekend with your family!

Kind regards, Zach

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

<mailto:zp0984a@gmail.student.american.edu>

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Date : 7/6/2020 3:16:13 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Camila Robalino Orrico" crobalino@latinojustice.org Subject : Re: USCCR Follow-Up Attachment : image685872.jpg;image947172.png;image693184.png;image307036.png;image950857.png;image751829.png; Dear Camila,

Thank you so much for your kind note and for your interest in the Commission.

I'm copying my office's intern coordinator, Latrice Foshee, and I've also shared your note with our Staff Director Mauro Morales to see if he has any need in his office. We are filling up for the fall semester but I would love to find a way to bring you on, so appreciate your interest.

Best regards, Kathy

From: Camila Robalino Orrico <crobalino@latinojustice.org> Sent: Monday, July 6, 2020 3:07:08 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] USCCR Follow-Up Dear Kathy, I hope all is well. It was so nice to virtually meet you last Wednesday during LatinoJustice PRLDEF's legal team meeting. You provided such great insight that it left me thinking about my own career path. I am currently one of the legal interns at LatinoJustice; however, I am not in law school just yet. This coming fall I will be entering grad school to do an MSc in International Migration and Public Policy, which after your presentation really confirmed my decision and importance to first study policy and data analysis before going into law school. For this reason, I wanted to ask if there are any open internship positions, specifically legal and/or social science internships, at the USCCR. I believe you mentioned towards the end of the meeting that the Commission is always looking for interns and that is why I am reaching out to ask how I can apply to such internships? I have also made sure to include a copy of the latest version of my resume for your reference, where you will be able to see my strong passion and commitment to public interest work as well as research, both academically and professionally. I would be delighted to discuss more about any opportunities and my interests and work, which align with those of the USCCR. Thank you for your time and also for the great work you do. Kindly, Camila Robalino

Camila Robalino Orrico Legal/Communications Intern D: 212.219.3360 Ext 1111

475 Riverside Drive, Suite 1901 New York, NY 10115

<tel:212.219.3360%20Ext%201111>
https://url.emailprotection.link/?bMkk-EUFs-PSfmXyMTBTix3Mg3bfiT-RxcKVdKFKFB-N_B5Xc36ifrsJTBgerucbbf7U1pAWTbPz2KlibOMgQzN0A06iTrJ5vX0xsAVR_bcVhx0anrl5CIBihZLF2gg
https://url.emailprotection.link/?b1YpEUmVRncGn6csWK3vRjF68lgX6eX03_GDAriFosP6BK7-oXDviAaS1gkH6dzHkMaT4a8chESZ-N1X_WO1Yte481csDHAwoENrr1uzLh2hmU0Pv-6FCY_61P6YLqI
https://url.emailprotection.link/?bM2pVw6TIOUHibP4sVWnXfJtZXZbiUuaofIKa8CeIY0vVwXmC9BtMcom4IRqmGJYdoMzpFMwoNABp8fpkzq9u3pF7Va9Z1Y_SIsOrfH0NVaGxxCMMWsu7Tg6GeMr_AFKg
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https://url.emailprotection.link/?bIZKMTISuW9VHXf9AIKzi8RotGr3TIQknM_RmDnNu4c1tpd2wRazU1xBeRrmcQ7rG_6iFXPCaVvWVNWJW10Ye_mxm3yj0Jg8a8-XnCHEHF0N4sE1AZRnahWp0uSFwZava

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Date : 7/7/2020 11:21:50 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Jose Perez" jperez@latinojustice.org Subject : Fw: Vacancy Announcement for Social Scientist GS-0101-12/13, CCR-20-005 We are hiring - please feel free to share with potential candidates. Thanks!

From: Janice Minor Sent: Tuesday, July 7, 2020 9:49 AM To: USCCR AGENCYWIDE Subject: Vacancy Announcement for Social Scientist GS-0101-12/13, CCR-20-005 Staff, The Commission has announced a vacancy for a Social Scientist positions (GS-0101-12/13) in the Office of Civil Rights Evaluation. The Vacancy opened yesterday, July 6, 2020 and close on July 20, 2020. To access the vacancy, please click the link below or cut and paste the link in your web browser. USAJOBS Link: <https://www.usajobs.gov/GetJob/ViewDetails/572789500> AVUE Link: <http://www.avuecentral.com/vacancy.html?=-QB GAS>

https://url.emailprotection.link/?bsP2rsQHd7mSfioVhmrBh3VWF A0P5P6IN4695y4fsBYR3qestfw7viM7FR8AXJ6P7gSE4FGcm_GbbNbxC_HINWBH-O2Sv2pbEXEshCwcvSQbnrykCgwsyXTmYJEX3kFI7
https://url.emailprotection.link/?7bd96VbdW8ealBOBssss_gklrGq1-qtwQWfYegKu1uvYoSRUm5vEa1FnzXKZOGJ7UOJKefgpkq4n4c9Pwpm3BivLuEskjGvrrxC2FagmVWAs9YdK67sHAFTQ4bxaTCr

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Date : 7/7/2020 5:53:13 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Zachary Parrish" zp0984a@student.american.edu Subject : event Hi Zach, this is really last-minute and entirely in my personal capacity, but here's an event you might be interested in at 7 pm tonight: <https://www.facebook.com/events/680299782700725/>

<https://www.facebook.com/events/680299782700725/>

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Date : 7/7/2020 5:59:13 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Zachary Parrish" zp0984a@student.american.edu Subject : Re: [EXTERNAL] Re: event Of course, and feel free to take a break!

Is your girlfriend also in law school?

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Tuesday, July 7, 2020 5:58:21 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: event Hey Kathy, I'm definitely interested! In fact, I'll see if I can get my girlfriend to watch it with me. I'm just now doing some finishing edits on my summary, so hopefully we can eat and sit down to watch before it starts. Thanks so much for thinking of me!

On Tue, Jul 7, 2020 at 5:53 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@uscrr.gov> wrote:

Hi Zach, this is really last-minute and entirely in my personal capacity, but here's an event you might be interested in at 7 pm tonight: <https://www.facebook.com/events/680299782700725/>

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

<mailto:kculliton-gonzalez@uscrr.gov>

<mailto:kculliton-gonzalez@uscrr.gov>

https://url.emailprotection.link/?7bb15uVgWfVfMvWJTLR0MlPIWThQTCxZEicTmJM5s_V9yle5_tT7zlgH7KMcSE0_xnOdFAaLkx5a9ZHy6pPKm_uKH0BabBU2giDOFavCmXsODZ1c5XxKFwN3w481A4678

<mailto:zp0984a@gmail.com>

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Date : 7/8/2020 12:26:05 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Nicholas Bair" nbair@uscrr.gov Cc : "Zachary Parrish" zp0984a@student.american.edu Subject : Re: MT voting rights case - new PI Thanks - I really don't see anything about COVID-19 here either. It's almost as if Natalie Landreth brilliantly avoided making that argument because the state was using it. I know it must be in the legislative history of the restrictive law. Do you think it's in the state's responses? Could you all try to find it in those sources?

From: Nicholas Bair Sent: Wednesday, July 8, 2020 12:15:40 PM To: Katherine Culliton-Gonzalez Cc: Zachary Parrish Subject: RE: MT voting rights case - new PI Hi Kathy, Please see the TRO, attached. Best, Nick From: Katherine Culliton-Gonzalez <kculliton-gonzalez@uscrr.gov> Sent: Wednesday, July 8, 2020 11:56 AM To: Nicholas Bair <nbair@uscrr.gov> Cc: Zachary Parrish <zp0984a@student.american.edu> Subject: Fw: MT voting rights case - new PI Hi Nick & Zach, can you do me a favor and try to find the TRO in this case? If you find it, will you please send it to me? Also, I need proof that these issues are related to COVID-19 and there's no mention of it in the complaint and PI, thus I am hoping it may be in the TRO or another doc related to this case. Here's the context in my draft: [Hans & Shapiro argue against ballot harvesting.] However, placing limits on the number of ballots that a third-party authorized by the individual voters can collect and submit can be discriminatory[KCG1]. For example, after Montana passed such a restriction introduced in March due to increased absentee voting during COVID-19, on July 7, a Montana state court preliminarily enjoined a new state law that imposed strict limits by only allowing "caregivers, family members, household members and acquaintances to collect ballots" while also limiting these individuals from collecting more than six ballots per election.[1] These limits can be very difficult during social distancing, especially in rural areas, and especially for Native American voters. The Montana court found that although the new state law limiting the type of persons authorized and number of absentee ballots that could be collected, "[a]lthough the State alleges that BIPA [the new law] promotes the State's compelling interest in maintaining the integrity of elections, the Court finds that the State has failed to present any evidence of Montana voters being subjected to harassment and insecurity in the voting process or even a general lack integrity in Montana's elections." [2] Further, the Montana court found that these limits "will significantly suppress vote turnout by disproportionately harming rural communities, especially individual Native American in rural tribal communities across the seven Indian reservations located in Montana by

limiting their access to the vote by mail process." [3] The State did not present compelling arguments that these limits would not disproportionately impact the tribes, and the court found that the limits on ballot collection "significantly suppresses voter turnout by making voting more burdensome and costly for voters who rely on ballot collection services." [4] The Sioux Tribes of Fort Peck, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Crow Tribe and Fort Belknap Indian Community, all living on their lands located in Montana, had argued they were disparately impacted due to extreme housing shortages and overcrowding (up to 10 people living at one address), geographic isolation coupled with high levels of poverty (up to 80%), extremely long distances (up to an hour's drive) to post offices that are open only limited hours, lack of access to transportation and other factors, including the state law's vague definition of "acquaintances" who could collect absentee ballots. [5] Lack of access to a traditional address from which to receive and mail absentee ballots prompted these tribes and as well as community groups to construct their own systems to ensure that their people can vote, which include third party ballot collection and hand delivery. [6] Further, the state interpreted the new law to be limited only to ballots submitted by hand delivery and not those sent by mail, allegedly disproportionately impacting tribal voting practices that Native American voters in Montana had come to rely on. [1] [1] [1] The Commission received written testimony that due to the COVID-10 pandemic, the impact lack of access to an address from which to receive an absentee ballot in the first place has been exacerbated for minority voters. [7] In Colorado, Hawaii, Oregon, Utah, and Washington [KCG2], all registered voters automatically receive mail ballots. [8] Several states, such as Montana, also allow counties the option to have all-mail elections, and their numbers have expanded since the pandemic. [9] But in 2018, the Commission found that lack of an address was a primary reason that states that run their election through voting by mail only (Oregon and Washington State) had ended up discriminating against Native American voters. [1] [10] Complaint at ¶¶ 163-65. [KCG2] Find other cases to cite here – AZ (Demos? – no that was voter reg I think but check this year's VL case settled); FL complaint herein

From: Katherine Culliton-Gonzalez Sent: Wednesday, July 8, 2020 9:41 AM To: Maureen Rudolph Cc: Nicholas Bair; Zachary Parrish Subject: MT voting rights case - new PI Hi Maureen, Here's an update to the chart of cases your intern is working on, regarding Native American voters. This one involves the issue of "3rd party ballot delivery" and we'd like to identify if that way in the chart. Others have called this practice "ballot harvesting," bringing voter fraud arguments and that's a term we are also using, but since the risk of fraud can be alleviated, we prefer the term "3rd party ballot delivery" for the chart and in our text we note that this is needed for Native American voters because of barriers to voting by mail such as those described herein. https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf

https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf

https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf

I'm also tracking the Purcell arguments (about changes too close to the election) in these cases as you'll see in the draft, and this is one of the cases where courts say enjoining voter suppression should be treated an important factor. See para. 7. But I don't think we have to add that to the chart. I'll try to keep remembering to send you updates as I find them, and imagine you all are probably finding some too but want share as we go along. Thanks, K.

[1] [2] See National Conference of State Legislatures (NCSL), "Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options," June 22, 2020, <https://bit.ly/3i4bcsC>; Miles Parks, "Why Is Voting by Mail (Suddenly) Controversial? Here's What You Need to Know," NPR, June 4, 2020, <https://n.pr/386Cavg>. [3] *Ibid.* [4] *Id.* at 9. [5] *See*, e.g., Complaint at ¶¶ 104-24; cite PI as well. [6] *See*, e.g., Complaint at ¶¶ 104-24; cite PI as well. [7] Order Granting Plaintiff's Motion for Preliminary Injunctive Relief, *Western Native Voice v. Stapleton*, No. DV-2020-377 (Mt. 13th Jud. District at Yellowstone July 7, 2020), at 3 (in this case, a Temporary Restraining Order was also issued, on May 1, 2020). [8] *Id.* at 9. [9] *Id.* at 7.

[KCG1] [KCG2] Move to address section

<https://bit.ly/3i4bcsC>

<https://n.pr/386Cavg>

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Date : 7/8/2020 12:38:07 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Nicholas Bair" nbair@uscrr.gov Cc : "Zachary Parrish" zp0984a@student.american.edu Subject : Re: MT voting rights case - new PI Sorry, I was wrong about the leg history b/c it's a 2019 law.

Can we find anything about COVID in relation to this case elsewhere? It's oddly not in the complaint, TRO or even the PI of last night. Maybe Montana was oblivious to the risk? But I am hoping we can find a nexus so we can keep this case in.

From: Katherine Culliton-Gonzalez Sent: Wednesday, July 8, 2020 12:26:04 PM To: Nicholas Bair Cc: Zachary Parrish Subject: Re: MT voting rights case - new PI Thanks - I really don't see anything about COVID-19 here either. It's almost as if Natalie Landreth brilliantly avoided making that argument because the state was using it. I know it must be in the legislative history of the restrictive law. Do you think it's in the state's responses? Could you all try to find it in those sources?

From: Nicholas Bair Sent: Wednesday, July 8, 2020 12:15:40 PM To: Katherine Culliton-Gonzalez Cc: Zachary Parrish Subject: RE: MT voting rights case - new PI Hi Kathy, Please see the TRO, attached. Best, Nick From: Katherine Culliton-Gonzalez <kculliton-gonzalez@uscrr.gov> Sent: Wednesday, July 8, 2020 11:56 AM To: Nicholas Bair <nbair@uscrr.gov> Cc: Zachary Parrish <zp0984a@student.american.edu> Subject: Fw: MT voting rights case - new PI Hi Nick & Zach, can you do me a favor and try to find the TRO in this case? If you find it, will you please send it to me? Also, I need proof that these issues are related to COVID-19 and there's no mention of it in the complaint and PI, thus I am hoping it may be in the TRO or another doc related to this case. Here's the context in my draft: [Hans & Shapiro argue against ballot harvesting.]

However, placing limits on the number of ballots that a third-party authorized by the individual voters can collect and submit can be discriminatory[KCG1]. For example, after Montana passed such a restriction introduced in March due to increased absentee voting during COVID-19, on July 7, a Montana state court preliminarily enjoined a new state law that imposed strict limits by only allowing "caregivers, family members, household members and acquaintances to collect ballots" while also limiting these individuals from collecting more than six ballots per election.[1] These limits can be very difficult during social distancing, especially in rural areas, and especially for Native American voters. The Montana court found that although the new state law limiting the type of persons authorized and number of absentee ballots that could be collected, "[a]lthough the State alleges that BIPA [the new law] promotes the State's compelling interest in maintaining the integrity of elections, the Court finds that the State has failed to present any evidence of Montana voters being subjected to harassment and insecurity in the voting process or even a general lack integrity in Montana's elections." [2] Further, the Montana court found that these limits "will significantly suppress vote turnout by disproportionately harming rural communities, especially individual Native American in rural tribal communities across the seven

Indian reservations located in Montana by limiting their access to the vote by mail process.”[3] The State did not present compelling arguments that disproportionately impact the tribes, and the court found that the limits on ballot collection “significantly suppresses voter turnout by making voting more burdensome and costly for voters who rely on ballot collection services.”[4] The Sioux Tribes of Fort Peck, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Crow Tribe and Fort Belknap Indian Community, all living on their lands located in Montana, had argued they were disparately impacted due to extreme housing shortages and overcrowding (up to 10 people living at one address), geographic isolation coupled with high levels of poverty (up to 80%), extremely long distances (up to an hour’s drive) to post offices that are open only limited hours, lack of access to transportation and other factors, including the state law’s vague definition of “acquaintances” who could collect absentee ballots.[5] Lack of access to a traditional address from which to receive and mail absentee ballots prompted these tribes and as well as community groups to construct their own systems to ensure that their people can vote, which include third party ballot collection and hand delivery.[6] Further, the state interpreted the new law to be limited only to ballots submitted by hand delivery and not those sent by mail, allegedly disproportionately impacting tribal voting practices that Native American voters in Montana had come to rely on.[1] [1] [1]The Commission received written testimony that due to the COVID-10 pandemic, the impact lack of access to an address from which to receive an absentee ballot in the first place has been exacerbated for minority voters.[7] In Colorado, Hawaii, Oregon, Utah, and Washington[KCG2] , all registered voters automatically receive mail ballots.[8] Several states, such as Montana, also allow counties the option to have all-mail elections, and their numbers have expanded since the pandemic.[9] But in 2018, the Commission found that lack of an address was a primary reason that states that run their election through voting by mail only (Oregon and Washington State) had ended up discriminating against Native American voters.[1] [10] Complaint at ¶¶ 163-65. [KCG2] Find other cases to cite here – AZ (Demos? – no that was voter reg I think but check this year’s VL case settled); FL complaint herein

From: Katherine Culliton-Gonzalez Sent: Wednesday, July 8, 2020 9:41 AM To: Maureen Rudolph

Cc: Nicholas Bair; Zachary Parrish Subject: MT voting rights case - new PI Hi Maureen, Here’s an update to the chart of cases your intern is working on, regarding Native American voters. This one involves the issue of “3rd party ballot delivery” and we’d like to identify if that way in the chart. Others have called this practice “ballot harvesting,” bringing voter fraud arguments and that’s a term we are also using, but since the risk of fraud can be alleviated, we prefer the term “3rd party ballot delivery” for the chart and in our text we note that this is needed for Native American voters because of barriers to voting by mail such as those described herein. https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf I’m also tracking the Purcell arguments (about changes too close to the election) in these cases as you’ll see in the draft, and this is one of the cases where courts say enjoining voter suppression should be treated an important factor. See para. 7. But I don’t think we have to add that to the chart. I’ll try to keep remembering to send you updates as I find them, and imagine you all are probably finding some too but want share as we go along. Thanks, K.

[1] [2] See National Conference of State Legislatures (NCSL), “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,” June 22, 2020, <https://bit.ly/3i4bcsC>; Miles Parks, “Why Is Voting by Mail (Suddenly) Controversial? Here’s What You Need to Know,” NPR, June 4, 2020, <https://n.pr/386Cavg>. [3] *Ibid.* [4] *Id.* at 9. [5] See, e.g., Complaint at ¶¶ 104-24; cite PI as well. [6] See, e.g., Complaint at ¶¶ 104-24; cite PI as well. [7] Order Granting Plaintiff’s Motion for Preliminary Injunctive Relief, *Western Native Voice v. Stapleton*, No. DV-2020-377 (Mt. 13th Jud. District at Yellowstone July 7, 2020), at 3 (in this case, a Temporary Restraining Order was also issued, on May 1, 2020). [8] *Id.* at 9. [9] *Id.* at 7.

[KCG1] [KCG2]Move to address section

https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf
https://www.aclu.org/sites/default/files/field_document/pi_order_-_western_native_voice_v._stapleton_order_granting_plaintiffs_motion_for_preliminary_injunctive_relief.pdf
<https://bit.ly/3i4bcsC>
<https://n.pr/386Cavg>

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Date : 7/8/2020 1:43:07 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Zachary Parrish" zp0984a@student.american.edu, "Sabrina Rodriguez (OCRE Intern)" ocreintern@usccr.gov, "Jacqueline LaBayne" j.labayne20@gmail.com Subject : Fw: [EXTERNAL] CDC voting guidance I'm incorporating this in Ch. 1 but you all might want to read it and rely on it as well. If you do please cite the underlying guidance and not WaPo. Thanks, K.

From: Katherine Culliton-Gonzalez <kcullitongonzalez@gmail.com> Sent: Tuesday, July 7, 2020 9:25 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] CDC voting guidance https://www.washingtonpost.com/politics/in-new-guidance-cdc-recommends-alternatives-to-in-person-voting-safety-precautions-for-in-person-voting/2020/07/07/5b62cbba-c078-11ea-b178-bb7b05b94af1_story.html

-Kathy

Katherine Culliton-González, Esq. Chair, Civil Rights Section Co-Chair, 2020 Initiative Hispanic National Bar Association @KathyCullitonGZ

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Date : 7/8/2020 2:19:58 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Subject : Re: Quick check-in on 14c report timing Hi Anne, it's great to hear from you and I also hope you're doing well.

Our publication is slated for Sept. 17 and is very unlikely to change. (Not that I want to sound inflexible - but we have this voted-upon date that you can rely on.)

I'm excited about your AbilityOne report and will share the news that it's coming with others at the Civil Rights Commission. Will you let us know when you decide to publish? I agree it's good to collaborate, and we sincerely appreciate your expertise in this space.

Thanks & take care, Kathy

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:08:42 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Quick check-in on 14c report timing Hi Katherine --

Hope all is well with you during this strange new normal we're all in together.

I'm writing with a quick query I'm hoping you can help me with. NCD has just approved a comprehensive report on the AbilityOne program and it will be entering professional edits and layout, which usually runs us a couple months' time. I understand that the Commission's 14c report is anticipated in September, but I wonder if you have a greater sense of timing within that range. I ask because I believe it would be advantageous for purposes of attention as well as momentum as well as seeking to avoid information overload to space the report releases out just a little. So if yours were due out September, we might hold ours until mid- October, for instance. At this point, this is merely my own musings -- I wanted to get a bit of information from you before making a recommendation on my end regarding our release date.

Any information you can provide as to your plans would be a huge help.

Thanks so much, Katherine.

Anne

Anne C. Sommers Director of Legislative Affairs and Outreach National Council on Disability (NCD)

1331 F Street, NW, Suite 850 Washington, DC 20004 202-272-0106 Voice 202-272-2022 Fax <http://www.ncd.gov> Get regular updates via NCD's Facebook page: <http://www.facebook.com/NCDgov> Follow NCD on Twitter: <http://twitter.com/NatCounDis>

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https://url.emailprotection.link/?btllGrbulMcSRUy-9lFXOlpykAKvrSakp3RRRKhJg7IOBKsxdSgedkzdyiW7eoj3Er2gtZ0R_7w5lpAfF5m0UNoT6valMeEZpmko4OCEuDBaoqNNUuh6KVGeXlNhQhgs2
https://url.emailprotection.link/?buA_lGxz-gSPSEQ2bLmp0mJM6jskKAocPEtzESZ07oRcRUPOBnGmp1UKIEI4fr24VtspNoSxa9DnlJQNB0qxlABxlguThtawnsAC9INN2-Tllj8qgSSt9b1H59OXuZFf_

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Date : 7/16/2020 10:29:34 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zachary Parrish" zp0984a@student.american.edu Subject : Re: [EXTERNAL] Re: new assignment OK thanks - first, can we switch to your work email?

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Thursday, July 16, 2020 10:28:38 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: new assignment

CAUTION: This email is from outside USCCR.

Hi Kathy,

Yes, I am ready for my next assignment. Absolutely, I'll be there!

Best, Zach

On Thu, Jul 16, 2020 at 10:25 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Hi Zach,

I hear you're ready for a new assignment. Please confirm and when you're ready I'll send it to you.

Also, can you watch the Missouri SAC briefing today?

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:zp0984a@gmail.com>

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Date : 7/16/2020 2:44:34 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Subject : Re: Quick check-in on 14c report timing Hi Anne, This is not something we usually do, but I am consulting internally and will get back to you in early August. Thanks for your patience. -Kathy

PS we have a virtual briefing on Native American health disparities tomorrow, if you're interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Tuesday, July 14, 2020 8:47:38 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing Katherine,

Just thinking aloud here...

I wonder if it would be possible to consider doing staff-only confidential briefings for one another on our reports shortly before their release so we both have some degree of proficiency with one another's reports prior to their publication? We hope to elevate the Civil Rights Commission report on the Hill in connection with our own work in the area and would love to have a handle on its contents day 1 if that's possible. Similarly, you all may be interested in seeing what actions NCD is calling for based on our research findings into more than a year's worth of investigation of the AbilityOne program. Some of the findings are pretty startling, and we look forward to getting that one released in a few months.

Let me know what you think of the idea. It seems like it could be a beneficial idea given the overlap of topics to one another.

Anne

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:34 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks for the quick response, Katherine. Will do on keeping you informed and great intel.

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Wednesday, July 8, 2020 2:19 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

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From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:08:42 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Quick check-in on 14c report timing Hi Katherine --

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Any information you can provide as to your plans would be a huge help.

Thanks so much, Katherine.

Anne

Anne C. Sommers Director of Legislative Affairs and Outreach National Council on Disability (NCD) 1331 F Street, NW, Suite 850 Washington, DC 20004 202-272-0106 Voice 202-272-2022 Fax <http://www.ncd.gov>

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Date : 7/17/2020 11:19:58 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Rukku Singla" rsingla@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Joyce Liu" jliu@veng-group.com Cc : "Sarale Sewell" ssewell@usccr.gov, "Julie Grieco" jgrieco@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "Pamela Dunston" Pdunston@usccr.gov Subject : Re: Media mentions today It sure does!

From: Rukku Singla Sent: Friday, July 17, 2020 11:16:22 AM To: Zakee Martin; Mauro Morales; Vincent A. Eng; Joyce Liu Cc: Sarale Sewell; Julie Grieco; Katherine Culliton-Gonzalez; Maureen Rudolph; Pamela Dunston Subject: Re: Media mentions today We have over 300 people on the YouTube livestream! It looks great!!

From: Rukku Singla <rsingla@usccr.gov> Date: Friday, July 17, 2020 at 9:36 AM To: Zakee Martin <zmartin@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, "Vincent A. Eng" <veng@veng-group.com>, Joyce Liu <jliu@veng-group.com> Cc: Sarale Sewell <sswell@usccr.gov>, Julie Grieco <jgrieco@usccr.gov>, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>, Maureen Rudolph <mrudolph@usccr.gov>, Pamela Dunston <Pdunston@usccr.gov> Subject: Media mentions today Starting this chain in case others see news mentions of the briefing today. Indianz.com (a Native American news website) is carrying the stream on their site: <https://www.indianz.com/Video/2020/07/17/covid19-in-indian-country-the.asp> They've also started tweeting about it: <https://twitter.com/Indianz/status/1284118363543875586>. Rukku Rukku Singla Special Assistant to Chair Catherine E. Lhamon U.S. Commission on Civil Rights 1331 Pennsylvania Avenue, NW Suite 1150 Washington D.C. 20245 M: 513-227-8558 rsingla@usccr.gov Follow us on Twitter and Facebook

<https://www.indianz.com/Video/2020/07/17/covid19-in-indian-country-the.asp>

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Date : 7/17/2020 2:56:50 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zakee Martin" zmartin@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Pamela Dunston" Pdunston@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Joyce Liu" jliu@veng-group.com Cc : "Sarale Sewell" ssewell@usccr.gov, "Julie Grieco" jgrieco@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov Subject : Re: Media mentions today The screen shots are really compelling. Along with the testimony being brilliant, I thought there was a nice sense of community today and the press is just fantastic.

From: Zakee Martin Sent: Friday, July 17, 2020 2:42:13 PM To: Rukku Singla; Pamela Dunston; Mauro Morales; Vincent A. Eng; Joyce Liu Cc: Sarale Sewell; Julie Grieco; Katherine Culliton-Gonzalez; Maureen Rudolph Subject: Re: Media mentions today Thank you!

New stories are coming out as well <https://indiancountrytoday.com/the-press-pool/national-indian-health-board-cites-failed-u-s-policies-toward-american-indians-for-severe-covid-19-impacts-in-testimony-before-u-s-commission-on-civil-rights-Bpc74SO-IKWKPVUoKZh6g> (Tweeted by New Mexico PBS Affiliate)

Zakee Martin

National Indian Health Board cites failed U.S. policies toward American Indians for severe COVID-19 impacts in testimony before U.S. Commission on Civil Rights indiancountrytoday.com

Federal government's failure to fulfill its treaty obligations to tribes for healthcare and public health discussed

<https://indiancountrytoday.com/the-press-pool/national-indian-health-board-cites-failed-u-s-policies-toward-american-indians-for-severe-covid-19-impacts-in-testimony-before-u-s-commission-on-civil-rights-Bpc74SO-IKWKPVUoKZh6g>

<https://indiancountrytoday.com/the-press-pool/national-indian-health-board-cites-failed-u-s-policies-toward-american-indians-for-severe-covid-19-impacts-in-testimony-before-u-s-commission-on-civil-rights-Bpc74SO-IKWKPVUoKZh6g>

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<https://indiancountrytoday.com/the-press-pool/national-indian-health-board-cites-failed-u-s-policies-toward-american-indians-for-severe-covid-19-impacts-in-testimony-before-u-s-commission-on-civil-rights-Bpc74SO-lkWKPVUoKZh6g>

Public Affairs Specialist, Office of Staff Director U.S. Commission On Civil Rights 1331 Pennsylvania Ave, NW Washington, DC www.usccr.gov Twitter: @USCCRGov

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. #USCCR60yrs

From: Rukku Singla Sent: Friday, July 17, 2020 1:58:11 PM To: Pamela Dunston; Zakee Martin; Mauro Morales; Vincent A. Eng; Joyce Liu Cc: Sarale Sewell; Julie Grieco; Katherine Culliton-Gonzalez; Maureen Rudolph Subject: Re: Media mentions today Ditto to what Pam said! That's great news on both the social media and traditional media fronts!

From: Pamela Dunston <pdunston@usccr.gov> Date: Friday, July 17, 2020 at 1:44 PM To: Zakee Martin <zmartin@usccr.gov>, Rukku Singla <rsingla@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, "Vincent A. Eng" <veng@veng-group.com>, Joyce Liu <jliu@veng-group.com> Cc: Sarale Sewell <ssewell@usccr.gov>, Julie Grieco <jgrieco@usccr.gov>, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>, Maureen Rudolph <mrudolph@usccr.gov> Subject: RE: Media mentions today Hi Zakee, Great job on managing the media aspects for the briefing. Thanks for this information. From: Zakee Martin <zmartin@usccr.gov> Sent: Friday, July 17, 2020 1:44 PM To: Rukku Singla <rsingla@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, Vincent A. Eng <veng@veng-group.com>, Joyce Liu <jliu@veng-group.com> Cc: Sarale Sewell <ssewell@usccr.gov>, Julie Grieco <jgrieco@usccr.gov>, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>, Maureen Rudolph <mrudolph@usccr.gov>, Pamela Dunston <pdunston@usccr.gov> Subject: Re: Media mentions today

<http://www.usccr.gov/>

In addition to increasing views on social media, our PR release was picked up by 105 news outlets. The release was also viewed by almost 1,500 other media members. A full breakdown of the release is attached. Zakee Martin Public Affairs Specialist, Office of Staff Director U.S. Commission On Civil Rights 1331 Pennsylvania Ave, NW Washington, DC www.usccr.gov Twitter: @USCCRGov Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. #USCCR60yrs

From: Rukku Singla Sent: Friday, July 17, 2020 9:36:16 AM To: Zakee Martin; Mauro Morales; Vincent A. Eng; Joyce Liu Cc: Sarale Sewell; Julie Grieco; Katherine Culliton-Gonzalez; Maureen Rudolph; Pamela Dunston Subject: Media mentions today Starting this chain in case others see news mentions of the briefing today. Indianz.com (a Native American news website) is carrying the stream on their site: <https://www.indianz.com/Video/2020/07/17/covid19-in-indian-country-the.asp> They've also started tweeting about it: <https://twitter.com/indianz/status/1284118363543875586>. Rukku Rukku Singla Special Assistant to Chair Catherine E. Lhamon U.S. Commission on Civil Rights 1331 Pennsylvania Avenue, NW Suite 1150 Washington D.C. 20425 M: 513-227-8558 rsingla@usccr.gov Follow us on Twitter and Facebook

<http://www.usccr.gov/>

<https://www.indianz.com/Video/2020/07/17/covid19-in-indian-country-the.asp>

<https://twitter.com/indianz/status/1284118363543875586>

<mailto:rsingla@usccr.gov>

<https://twitter.com/USCCRGov>

https://www.facebook.com/pg/USCCRGov/posts/?ref=page_internal

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Date : 7/24/2020 11:02:13 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Shelby Taylor" st5082a@student.american.edu, "Latrice Foshee" lfoshee@usccr.gov Subject : Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Thanks Shelby, and welcome to the team!

From: Shelby Taylor <st5082a@student.american.edu> Sent: Friday, July 24, 2020 10:40:22 AM To: Latrice Foshee Cc: Katherine Culliton-Gonzalez Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question

CAUTION: This email is from outside USCCR.

Good Morning!

I hope you all are safe and enjoying as much of this summer time as possible. I just wanted to respond to the offer sent by Ms Latrice Foshee. I just wanted to reiterate that I am thrilled that you allowed me to speak with you and honored that you would offer me this position!

With that being said, I do formally accept your offer for Fall 2020. My Fall schedule allows me to work about 10 hours a week. I have selected Tuesday and Thursday as my days. On both days I have class in the morning, so I would like to work 12pm-5pm. My desired start would be the week of Aug 31.

I look forward to the work and working with all of you!!!

Shelby A Taylor JD Candidate 2021 Washington College of Law American University

Sent from my iPhone

On Jul 15, 2020, at 9:13 AM, Latrice Foshee <lfoshee@usccr.gov> wrote:

Good Morning Shelby,

It was a pleasure speaking with you. Attached is the intern statement of work and the letter of offer for your review. Please respond to the letter by July 24, 2020. If you have any questions, please contact me. Thank you. Best, Latrice
From: Shelby Taylor <st5082a@student.american.edu> Sent: Wednesday, July 8, 2020 3:09 PM To: Latrice Foshee <lfoshee@usccr.gov> Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Ok got it! Talk to you then!

Shelby A Taylor JD Candidate 2021 Washington College of Law American University

Sent from my iPhone

On Jul 8, 2020, at 3:07 PM, Latrice Foshee <lfoshee@usccr.gov> wrote:

No. I'm sorry, I meant via telephone. We're all working remotely right now. Ok, let's do Monday at 1:30. You can call me at 202-664-0220.

Thanks,

Latrice Foshee Office of Civil Rights Evaluation US Commission on Civil Rights 1331 Pennsylvania Avenue,NW Washington, DC 20425 202-376-7665

From: Shelby Taylor <st5082a@student.american.edu> Sent: Wednesday, July 8, 2020 1:55:24 PM To: Latrice Foshee Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Hello there!

<mailto:lfoshee@usccr.gov>

<mailto:st5082a@student.american.edu>

I live in VA and I have two young children. Are you able to meet virtually? If you can meet virtually, I can meet on Monday afternoon between 12-3pm.

Shelby A Taylor JD Candidate 2021 Washington College of Law American University

Sent from my iPhone

On Jul 8, 2020, at 1:46 PM, Latrice Foshee <lfoshee@usccr.gov> wrote:

We need to set a date to meet. Are you available next Monday?

Latrice Foshee Office of Civil Rights Evaluation US Commission on Civil Rights 1331 Pennsylvania Avenue, NW Washington, DC 20425 202-376-7665

From: Shelby Taylor <st5082a@student.american.edu> Sent: Wednesday, July 8, 2020 1:13:47 PM To: Latrice Foshee Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Good afternoon! Yes, I am still interested! What's next in the process? Thanks,

Shelby A Taylor JD Candidate 2021 Washington College of Law

<mailto:lfoshee@usccr.gov>

<mailto:st5082a@student.american.edu>

American University

Sent from my iPhone

On Jul 8, 2020, at 9:58 AM, Latrice Foshee <lfoshee@usccr.gov> wrote:

Hi Shelby, Are you still interested in interning with us this fall? It's time to move forward in the process. Thanks. > Sent: Monday, April 20, 2020 12:43 PM To: Latrice Foshee <lfoshee@usccr.gov> Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Sure! My writing sample is attached. Thanks! Shelby A Taylor JD Candidate 2021 Washington College of Law American University On Mon, Apr 20, 2020 at 10:52 AM Latrice Foshee <lfoshee@usccr.gov> wrote:

Hi Shelby, Can you also provide a writing sample? Latrice Foshee Office of Civil Rights Evaluation US Commission on Civil Rights 1331 Pennsylvania Avenue,NW Washington, DC 20425 202-376-7665

<mailto:lfoshee@usccr.gov>

<mailto:lfoshee@usccr.gov>

<mailto:lfoshee@usccr.gov>

From: > Sent: Monday, April 20, 2020 10:46:23 AM To: Latrice Foshee Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Good Morning, Thank you for the information you provided. I have attached the following documents as requested in the OCRE position listing. The Fall semester start date would be Wed. Sept 2. My fall schedule would permit me to work on M and W from 10-2pm. Thanks for your consideration! Shelby A Taylor JD Candidate 2021 Washington College of Law American University On Mon, Apr 13, 2020 at 11:36 AM Latrice Foshee <lfoshee@usccr.gov> wrote:

It's an unpaid internship. You may receive college credit if it is setup with your educational institution. Also, you may submit your resume anytime between now and August for the fall semester. Latrice Foshee Office of Civil Rights

From: >

<mailto:lfoshee@usccr.gov>

Sent: Monday, April 13, 2020 11:32:49 AM To: Latrice Foshee Subject: Re: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Good Morning, Thank you for responding so quickly. What is the deadline for applying for fall spots? Also, is this a paid internship or do you offer academic credit? Best Wishes!

Shelby A Taylor JD Candidate 2021 Washington College of Law American University

Sent from my iPhone

On Apr 13, 2020, at 11:08 AM, > wrote:

Good Morning Shelby, We are currently not accepting applications for the summer 2020 session. However, you are welcome to submit your

resume for consideration for the fall 2020 session. We are currently working remotely; however, we're still in full force. Thank you so much for your interest in the Commission, and I look forward to hearing from you in the future. Best Regards, Latrice Foshee Office of Civil Rights Evaluation US Commission on Civil Rights 1331 Pennsylvania Avenue, NW Washington, DC 20425 202-376-7665

From: Shelby > Sent: Saturday, April 11, 2020 1:01:27 PM To: Latrice Foshee Subject: [EXTERNAL] Civil Rights Analyst Intern - OCRE; Follow-up question Good Afternoon, My name is Shelby Taylor and

I am a 3L at Washington College of Law at American University. I came across your post on our career website and I wanted to follow-up concerning the status of the position. Considering the Pandemic and the uncertainty we are facing in being able to move freely around the DMV, is the Office still accepting applications? I am interested, but I wanted to know if this would be done remotely or just pushed back until a later time. Thanks! Shelby A Taylor JD Candidate 2021 Washington College of Law American University

<Intern Letter of Offer Shelby Taylor.doc> <Intern Statement of Work 2.doc>

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Date : 8/3/2020 11:42:38 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Rosa Celorio" rcelorio@law.gwu.edu Subject : Re: [EXTERNAL] Request for Reference - Sabrina Rodriguez Hi Professor, I heard that you offered Sabrina the position so didn't call, but just wanted to say that she is truly outstanding and I wish you the best in your research together.

-Kathy

From: Rosa Celorio <rcelorio@law.gwu.edu> Sent: Thursday, July 30, 2020 6:13 PM To: Katherine Culliton-Gonzalez Subject: Re: [EXTERNAL] Request for Reference - Sabrina Rodriguez

CAUTION: This email is from outside USCCR.

Dear Kathy: Thank you very much for your kind email and for taking the time to speak with me. Please call me at your convenience tomorrow Friday in the afternoon. My cell phone number is (202) 277-1331.

All the very best and thank you, Rosa

On Thu, Jul 30, 2020 at 12:30 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Hi Professor Celorio,

I would be delighted to provide my highest recommendation for Sabrina. She is one of the best interns I've ever had, and I've been practicing civil rights law since 1993.

Could I give you a call some time to discuss?

Please let me know if you have any time this afternoon or tomorrow.

Thanks, Kathy

From: Rosa Celorio <rcelorio@law.gwu.edu> Sent: Wednesday, July 29, 2020 1:13:49 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Request for Reference - Sabrina Rodriguez

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:rcelorio@law.gwu.edu>

CAUTION: This email is from outside USCCR.

Dear Ms. Culliton-Gonzalez:

I hope this message finds you well. I am writing because I am considering our law student Sabrina Rodriguez for a Research Assistant Position during the upcoming academic year. I would be most appreciative if you could share your thoughts of her skills, capabilities, and work performance.

All the very best and many thanks, Rosa Celorio

-- Rosa Celorio Associate Dean for International and Comparative Legal Studies and Burnett Family Professorial Lecturer in International and Comparative Law and Policy The George Washington University Law School 2000 H Street, N.W. Washington, D.C. 20052 Phone: (202) 994-1210 Email: rcelorio@law.gwu.edu | Twitter: @celorio_rosa For more information and publications: <https://www.law.gwu.edu/rosa-celorio> For International and Comparative Law Program news: [Webpage](#) | [Twitter](#) | [Facebook](#) | [Newsletter](#)

-- Rosa Celorio Associate Dean for International and Comparative Legal Studies and Burnett Family Professorial Lecturer in International and Comparative Law and Policy The George Washington University Law School 2000 H Street, N.W. Washington, D.C. 20052 Phone: (202) 994-1210 Email: rcelorio@law.gwu.edu | Twitter: @celorio_rosa For more information and publications: <https://www.law.gwu.edu/rosa-celorio> For International and Comparative Law Program news: [Webpage](#) | [Twitter](#) | [Facebook](#) | [Newsletter](#)

<mailto:Rcelorio@law.gwu.edu>
https://url.emailprotection.link/?bwp-2KWtzlUG2hleadRy_oBdO5PSAfnHm5oq7yRI-TS6nPerpGTzpgsCxWE3PzjvO2OjsHN7w3M_REOMzira3gfvDaNOiZOZ4LwaxLIHY_5ppcTEIVds3UD6-innLHtkl
https://url.emailprotection.link/?bn_DLaUxBHlISp4SgxaxwcNc4Q4Ywu-e6PQ6MdU2Rw7DDXGePhwMMoGiizPlvgaCg_QvsaQC-B3anaUdzaA8QJUEU6J4Fh91w_ujAC6Y7LWizlidjulfArfA7Ni0RqZOxS
https://url.emailprotection.link/?bATASEuG11MvOPFb7wx3h8oTehYE6GJjAOJ9kAiuMSIEjgWgCj9D6pczrHLwO4zqwYFp7RzXZ7BccTM4W-JxRzYDPbScpdLmBEWVRQc7XUeKpCjJ_xj5qKzqPwIYzfpw
https://url.emailprotection.link/?bVO2g0UXR235wN_vOnM0FjuEiBc4x82BdtBw70ID6v4S5SfaNFRwPEA8DEK69UMddznYrfJvPIPL0VvYptsX_w~~~
https://url.emailprotection.link/?bXUzA3XY_7CF-uy8ehg_D0uX08RhDViBnN8q7Fh3ISDN9b0tc9Q6AXn1zc5abTCd27KUZnMjIk1nJE0M4Eeg8seO2bYIsovciN5T0gtpW2I4HCFkdFuS0gE7jsjAC
https://url.emailprotection.link/?bNpppsmy5k66dqEKY7wuqlrk725zhVB3eOKNvNTXhohjLyaV2MryrSk-VyFGJ3b92cvi3LIR_7PH8W73OsYmnw6q4SpWK3L3RMoMZ8QrgMndz6e8E7EpLEy_gamncCr
<mailto:Rcelorio@law.gwu.edu>
https://url.emailprotection.link/?bwp-2KWtzlUG2hleadRy_oBdO5PSAfnHm5oq7yRI-TS6nPerpGTzpgsCxWE3PzjvO2OjsHN7w3M_REOMzira3gfvDaNOiZOZ4LwaxLIHY_5ppcTEIVds3UD6-innLHtkl
https://url.emailprotection.link/?bn_DLaUxBHlISp4SgxaxwcNc4Q4Ywu-e6PQ6MdU2Rw7DDXGePhwMMoGiizPlvgaCg_QvsaQC-B3anaUdzaA8QJUEU6J4Fh91w_ujAC6Y7LWizlidjulfArfA7Ni0RqZOxS
https://url.emailprotection.link/?bATASEuG11MvOPFb7wx3h8oTehYE6GJjAOJ9kAiuMSIEjgWgCj9D6pczrHLwO4zqwYFp7RzXZ7BccTM4W-JxRzYDPbScpdLmBEWVRQc7XUeKpCjJ_xj5qKzqPwIYzfpw
https://url.emailprotection.link/?bVO2g0UXR235wN_vOnM0FjuEiBc4x82BdtBw70ID6v4S5SfaNFRwPEA8DEK69UMddznYrfJvPIPL0VvYptsX_w~~~
https://url.emailprotection.link/?bXUzA3XY_7CF-uy8ehg_D0uX08RhDViBnN8q7Fh3ISDN9b0tc9Q6AXn1zc5abTCd27KUZnMjIk1nJE0M4Eeg8seO2bYIsovciN5T0gtpW2I4HCFkdFuS0gE7jsjAC
https://url.emailprotection.link/?bNpppsmy5k66dqEKY7wuqlrk725zhVB3eOKNvNTXhohjLyaV2MryrSk-VyFGJ3b92cvi3LIR_7PH8W73OsYmnw6q4SpWK3L3RMoMZ8QrgMndz6e8E7EpLEy_gamncCr

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Date : 8/3/2020 5:52:17 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zachary Parrish" zp0984a@student.american.edu, "Nicholas Bair" nbair@usccr.gov Subject : Re: [EXTERNAL] Work Update Dear Zach, I'm so very sorry for your loss. Just get it done whenever you can - later this week is fine. We were mainly trying to give you something substantive to do while we wrestle with all the mixing up they have done. There is no rush and your family including everyone you consider family is most important.

I wish that we could support you better, but know that we are sending virtual support and also I'm here to talk whenever you'd like.

-Kathy

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Monday, August 3, 2020 5:48:54 PM To: Katherine Culliton-Gonzalez; Nicholas Bair Subject: [EXTERNAL] Work Update

CAUTION: This email is from outside USCCR.

Dear Kathy and Nick,

Hello, I hope your evening is going well. I'm reaching out because I need to let you know I'll be a little behind on the work you assigned me this morning. About half an hour after our meeting, I found out that my closest friend's dad, who was like a father to me, passed away. I've known him for most of my life, so it's been a very emotional day and I haven't been able to focus on much of anything. I will do my best to get it done tomorrow because I know we're on a very tight schedule.

Thank you for your understanding.

Sincerely, Zach

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

<mailto:zp0984a@gmail.student.american.edu>

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Date : 8/3/2020 6:18:14 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zachary Parrish" zp0984a@student.american.edu Cc : "Nicholas Bair" nbair@usccr.gov Subject : Re: [EXTERNAL] Work Update Hi Zach, if you can do the string cites any time this week or by Monday that will be perfect. And if you can't, don't worry about it one bit.

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Monday, August 3, 2020 6:16:24 PM To: Katherine Culliton-Gonzalez Cc: Nicholas Bair Subject: Re: [EXTERNAL] Work Update

CAUTION: This email is from outside USCCR.

Hi Kathy,

Thank you so much for your understanding and support. I'll give it a shot tomorrow but it's a relief to be given a little more time. I might be flying back to Arizona for the funeral but I'll be sure to keep up with my assignments.

Thank you again.

Best regards, Zach

On Mon, Aug 3, 2020 at 5:52 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Zach, I'm so very sorry for your loss. Just get it done whenever you can - later this week is fine. We were mainly trying to give you something substantive to do while we wrestle with all the mixing up they have done. There is no rush and your family including everyone you consider family is most important.

I wish that we could support you better, but know that we are sending virtual support and also I'm here to talk whenever you'd like.

-Kathy

From: Zachary Parrish <zp0984a@student.american.edu> Sent: Monday, August 3, 2020 5:48:54 PM To: Katherine Culliton-Gonzalez; Nicholas Bair Subject: [EXTERNAL] Work Update

CAUTION: This email is from outside USCCR.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:zp0984a@student.american.edu>

Dear Kathy and Nick,

Hello, I hope your evening is going well. I'm reaching out because I need to let you know I'll be a little behind on the work you assigned me this morning. About half an hour after our meeting, I found out that my closest friend's dad, who was like a father to me, passed away. I've known him for most of my life, so it's been a very emotional day and I haven't been able to focus on much of anything. I will do my best to get it done tomorrow because I know we're on a very tight schedule.

Thank you for your understanding.

Sincerely, Zach

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

-- Zachary Parrish JD/MA Candidate, Washington College of Law, American University Class of 2022 zp0984a@student.american.edu | (480)-316-4690

<mailto:zp0984a@gmail.com> student.american.edu
<mailto:zp0984a@gmail.com> student.american.edu

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Date : 8/10/2020 3:34:39 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Maugeri, Alexander (CRT)" Alexander.Maugeri@usdoj.gov, "Nicholas Bair" nbair@usccr.gov Cc : "Toomey, Kathleen (CRT)" Kathleen.Toomey@usdoj.gov Subject : RE: DOJ-CRT Comments: US Commission on Civil Rights Inquiry RE Voting Rights - request for agency review Dear Mr. Maugeri, We really appreciate the Department's review. Thanks very much, - Kathy From: Maugeri, Alexander (CRT) <Alexander.Maugeri@usdoj.gov> Sent: Monday, August 10, 2020 3:27 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Nicholas Bair <nbair@usccr.gov> Cc: Toomey, Kathleen (CRT) <Kathleen.Toomey@usdoj.gov> Subject: [EXTERNAL] DOJ-CRT Comments: US Commission on Civil Rights Inquiry RE Voting Rights - request for agency review

CAUTION: This email is from outside USCCR.

Ms. Culliton-Gonzalez, Attached please find comments, in tracked changes and with comments, from the Department of Justice Civil Rights Division on the chapter of the U.S. Commission on Civil Rights' draft update to the report on Minority Voting Rights Access we were provided for review. We have limited our comments to those of a technical nature. Kindly confirm receipt, and please let us know if you have any questions. Thank you for the opportunity to review. Alexander Alexander V. Maugeri Deputy Assistant Attorney General and Chief of Staff Civil Rights Division U.S. Department of Justice Office: (202) 616-5893 Mobile: (202) 598-9601 Alexander.maugeri@usdoj.gov

<mailto:Alexander.maugeri@usdoj.gov>

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, July 24, 2020 2:58 PM To: Toomey, Kathleen (CRT) <Kathleen.Toomey@crt.usdoj.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: US Commission on Civil Rights Inquiry RE Voting Rights - request for agency review Importance: High

Good afternoon Kathy,

I hope you and everyone at the Civil Rights Division are doing well.

Attached please find the chapter of the U.S. Commission on Civil Rights' draft update to our 2018 report on Minority Voting Rights Access discussing your agency. As we mentioned in our June 11 letter inviting written testimony from the Civil Rights Division (attached for convenience), the Commission voted to update its 2018 report with regard to the emerging voting rights issues in the wake of the COVID-19 pandemic, to evaluate potential impacts of changes in absentee voting, early voting and polling place resources on voters of color, including limited- English proficient voters, and voters with disabilities. We did not receive testimony from the Division, but we would very much appreciate your review of the attached confidential draft of the relevant section.

We are sending this draft to you for agency review. As part of the Commission's drafting process, we provide agencies with the opportunity to review our draft reports and recommend edits for accuracy.

• The deadline for agency review is August 14. Because of our deadlines on this project, we will be unable to incorporate comments received after that date.

We would be very grateful for your agency's review. In particular, I am unable to find any public information about plans for election monitoring this year, and so would very much appreciate your input in that area. Please feel free to send comments via redline or in comment boxes in the attached text. Please note that the Commission may quote from or otherwise refer to any information provided as part of your agency's review in the final report. As always, please feel free to contact me personally with any questions.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:Kathleen.Toomey@crt.usdoj.gov>
<mailto:nbair@usccr.gov>

Best regards,

-Kathy

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

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Date : 8/22/2020 1:21:38 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "reports@intermedia.net" reports@intermedia.net Subject : Automatic reply: Email Quarantine Report (kculliton-gonzalez@usccr.gov) - 8/22/20 To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/25/2020 9:01:21 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "GSA IT" gsa@notify.gsa.gov Subject : Automatic reply: [EXTERNAL] Information on ConcurGov Year- End Preparation To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/26/2020 12:15:23 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Vincent A. Eng" veng@veng-group.com Subject : Automatic reply: Planning on Release of Submin Wage Report To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/26/2020 11:13:55 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : Automatic reply: [EXTERNAL] Hello! And Letter of Recommendation To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/26/2020 2:19:43 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Hello! And Letter of Recommendation Hi Juliette will Monday be OK? From: Juliette Singarella <jrs436@georgetown.edu> Sent: Wednesday, August 26, 2020 11:14 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, I hope you are doing well! I just wanted to check in and see if you had an idea of when you might be able to complete my letter. I still have time in the application process, but I just finalized my apps for clerkships and wanted to begin to start sending out materials as they are on a rolling basis. Thank you again so much for doing this, and please let me know if you need anything else from me! All the best, Juliette On Thu, Aug 13, 2020 at 1:47 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

Hi Kathy, Happy Thursday! I hope all is well with you. Sorry for the delay in getting you this material, but attached are two drafts of a letter of recommendation--one to be used for a women's rights fellowship and one to be used for judicial clerkships (I have decided to expand my job search to include these). I have also attached a packet of information that I made for another one of my recommenders that might be useful to you as you edit my drafts. It includes instructions on how to send the letter, my transcript, writing sample, and info as to why I want to be a law clerk/fellow. For the clerkship applications, you can send the letter as a word doc to lawclerkships@georgetown.edu, who will send the letter to the judges directly. You can leave the Dear Judge [Name] section blank, as the Georgetown clerkship team will personalize that info based on my list of judges.

<mailto:jrs436@georgetown.edu>
<mailto:lawclerkships@georgetown.edu>

For the fellowship application, the app hasn't yet opened, so I don't have the information as to who/how to send the letter. It's supposed to open up in late August, so once it does, I'll pass that info along to you! Thank you so, so much for your help in this process. I'm so grateful to have your support. Please let me know if there is anything else I can do/send! All the best, Juliette On Mon, Jul 27, 2020 at 4:17 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

Hi Kathy, Thank you so much! I really appreciate it, and will get a draft to you as soon as possible. Attached is my current resume. All the best, Juliette On Mon, Jul 27, 2020 at 4:06 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Juliette, it's great to hear from you. I hope you and your loved ones are doing well, all things considered.

I'd be delighted to write a letter of recommendation. If you like, you could draft the letter for me and I'll edit it. Also, please do send your updated resume.

Best regards, Kathy

From: Juliette Singarella <jrs436@georgetown.edu> Sent: Monday, July 27, 2020 3:52:10 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy,

<mailto:jrs436@georgetown.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jrs436@georgetown.edu>

I hope all is well, and that you and your loved ones are safe and healthy amid the current chaos of COVID. I am reaching out to ask if you would consider writing me a letter of recommendation as I begin applying for post-graduate jobs. I just completed my summer at the Sexual Assault Legal Institute, and after having worked at SALI and the Commission, I am determined to pursue a career in advocating for women's rights. There are a number of fellowships that I am hoping to apply for which require references and/or letters of recommendations, and I would be honored if you would continue supporting me in my job search. As I have told you before, my time working with you at the Commission was invaluable and has undoubtedly furthered my passion and desire to fight for civil and women's rights. If this is something you might be interested in, I'd be happy to send over my resume, transcripts, and a summary of what I worked on with you last summer to aid in the process of writing this letter, or anything else that you might think would be helpful. Please let me know. Warmest regards, Juliette

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Date : 8/26/2020 2:56:35 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Sabrina Rodriguez" smrodriguez@law.gwu.edu Subject : Automatic reply: [EXTERNAL] Reference To Whom It May Concern,

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If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/26/2020 2:34:26 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "lawclerkships@georgetown.edu" lawclerkships@georgetown.edu Cc : "Juliette Singarella" jrs436@georgetown.edu Subject : Letter of recommendation for Juliette Singarella Attachment : KCG Letter of Recommendation for Juliette Singarella - Clerkship.docx; Dear Georgetown Law Clerkship Program, Please see my attached letter of recommendation for Juliette Singarella, which I trust you will circulate appropriately for clerkship opportunities. Juliette is among the very best and has a bright legal mind, along with practical analytical writing experience. I have no doubt that she will provide outstanding work in a judicial clerkship. Best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation

August 26, 2020

Dear Judge [NAME],

It is my pleasure to recommend Juliette Singarella for a clerkship in your chambers beginning in 2021. Her excellent research and communication skills, strong work ethic, and engaging personality will make her an asset to any employer lucky enough to hire her. In turn, as a judicial clerk Juliette will gain practical knowledge and experience which will prove invaluable as she launches her career as a legal professional.

I worked with Juliette during the summer of 2019 when she was an intern at the United States Commission on Civil Rights (USCCR). Among dozens of law students who have interned with me in over 20 years of practice, Juliette is among the most talented and promising. She has an innate intelligence that enables her to learn quickly and deeply analyze fact patterns, cases, statutes and constitutional law principles. Because of her talent, Juliette became my go-to intern in the Office of Civil Rights Evaluation and aided me in various important projects. Her most significant contribution was in the USCCR's report examining the civil rights of women in prison. Specifically, she analyzed the efficacy of the Department of Justice's enforcement of the Prison Rape Elimination Act, delving into the Departments' findings letters to determine whether state prisons were exhibiting unconstitutional disciplinary and procedural practices. Her research

and writings were adopted directly into our report *Women in Prison: Seeking Justice Behind Bars*. Juliette was also instrumental in the USCCR brief, *In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes*. In that report, she assessed the differences between hate crimes committed on the basis of race, ethnicity, and/or national origin; gender identity or sexual orientation; religion; and disability, and the Department of Justice's response to such crimes. Juliette's strength in writing and research was evident throughout her time in our office, as she contributed meaningfully to these and other important USCCR reports, which are relayed directly to Congress and the President to advise them on civil rights issues.

Juliette was a reliable and diligent worker, with whom I could entrust difficult research and analytical problems. Not only was her work timely and efficient, but it was thorough and thoughtful. Juliette was a valuable mentee whose passion for the law and civil rights translated into dedication to each and every assignment.

On a more personal note, Juliette is an outgoing and thoughtful person, curious about the world around her, and with a deep desire to help improve the lives of other people. This is obvious in her general legal and academic experiences. At Georgetown Law, she dedicated a year to campaigning for the reproductive freedom of marginalized African women in her role as a member of the International Women's Human Rights Clinic, and she contributed to a project illuminating the entrenched racism that blights low-income communities as a research assistant to Professor Sheryll Cashin. During her summers, she has used her employment opportunities at the USCCR and the Sexual Assault Legal Institute to continue her mission to defend vulnerable populations. Each of these experiences has shaped her as both a person and a lawyer, and provided her with a unique set of skills and qualities that will enable her to be an effective judicial clerk.

I wholeheartedly endorse Juliette Singarella's application for a judicial clerkship in your chambers. A young person of considerable ability and promise, her already impressive skills can only improve with time and experience. Please feel free to reach me at my personal cell (202) 531-8139, if you have any questions or need any further information at all.

Sincerely,

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

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Date : 8/26/2020 2:35:13 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Hello! And Letter of Recommendation Hi Juliette, I sent the clerkship letter and can send the other after my vacation. I'll be back next week and hope that timing works on your end. Best regards, K. From: Juliette Singarella <jrs436@georgetown.edu> Sent: Wednesday, August 26, 2020 11:14 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, I hope you are doing well! I just wanted to check in and see if you had an idea of when you might be able to complete my letter. I still have time in the application process, but I just finalized my apps for clerkships and wanted to begin to start sending out materials as they are on a rolling basis. Thank you again so much for doing this, and please let me know if you need anything else from me! All the best, Juliette On Thu, Aug 13, 2020 at 1:47 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

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<mailto:jrs436@georgetown.edu>
<mailto:lawclerkships@georgetown.edu>

personalize that info based on my list of judges. For the fellowship application, the app hasn't yet opened, so I don't have the information as to who/how to send the letter. It's supposed to open up in late August, so once it does, I'll pass that info along to you! Thank you so, so much for your help in this process. I'm so grateful to have your support. Please let me know if there is anything else I can do/send! All the best, Juliette On Mon, Jul 27, 2020 at 4:17 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

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Dear Juliette, it's great to hear from you. I hope you and your loved ones are doing well, all things considered.

I'd be delighted to write a letter of recommendation. If you like, you could draft the letter for me and I'll edit it. Also, please do send your updated resume.

Best regards, Kathy

From: Juliette Singarella <jrs436@georgetown.edu> Sent: Monday, July 27, 2020 3:52:10 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

<mailto:jrs436@georgetown.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jrs436@georgetown.edu>

Hi Kathy, I hope all is well, and that you and your loved ones are safe and healthy amid the current chaos of COVID. I am reaching out to ask if you would consider writing me a letter of recommendation as I begin applying for post-graduate jobs. I just completed my summer at the Sexual Assault Legal Institute, and after having worked at SALI and the Commission, I am determined to pursue a career in advocating for women's rights. There are a number of fellowships that I am hoping to apply for which require references and/or letters of recommendations, and I would be honored if you would continue supporting me in my job search. As I have told you before, my time working with you at the Commission was invaluable and has undoubtedly furthered my passion and desire to fight for civil and women's rights. If this is something you might be interested in, I'd be happy to send over my resume, transcripts, and a summary of what I worked on with you last summer to aid in the process of writing this letter, or anything else that you might think would be helpful. Please let me know. Warmest regards, Juliette

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Date : 8/26/2020 3:39:21 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Clerkship.Committee.Office.of.Career.Services [Organization]" lawclerkships@georgetown.edu Subject : Automatic reply: [EXTERNAL] Re: Letter of recommendation for Juliette Singarella To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/26/2020 8:54:56 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Sabrina Rodriguez" smrodriguez@law.gwu.edu Subject : RE: [EXTERNAL] Reference Hi Sabrina, unfortunately it wasn't adopted. The 2018 Minority Voting Rights report is on our website, as is every other report OCRE led in the last 3 years. But we now have a new Commissioner recently appointed by President Trump and there was a 4-4 vote and it needed a majority to pass. I am so sorry it didn't pass, because the work was outstanding and we received a lot of positive feedback on our final draft in particular, but the new Commissioner is opposed. If you want to talk about it please feel free to call me. I know it's disappointing after all our work on it. Thank you again for your outstanding research on the LEP chapter in particular. -Kathy From: Sabrina Rodriguez <smrodriguez@law.gwu.edu> Sent: Wednesday, August 26, 2020 2:56 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Reference

CAUTION: This email is from outside USCCR.

Hi Kathy, Hope this email finds you well! I just saw in the USCCR website the Minority Voting Right Access Report, I'm glad it got adopted! Also, thank you! I'm still getting used to the classes, but everything is running smoothly. Thank you for your good wishes. I didn't go to the beach, but did watch a lot of Netflix. Kind regards, Sabrina

On Aug 13, 2020, at 7:52 PM, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote: Oh my good luck with all that! I'm sure you'll be great and you're always so organized. I hope you got some rest and a chance to go to the beach. From: Sabrina Rodriguez <smrodriguez@law.gwu.edu> Sent: Thursday, August 13, 2020 5:18 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Reference

CAUTION: This email is from outside USCCR.

I'm glad. Ohh wow, everything is around the corner then, that's good. Hope you all get positive feedback on it and that the votes are all in favor for it to get adopted.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:smrodriguez@law.gwu.edu>
<mailto:kculliton-gonzalez@usccr.gov>

I'm good. Today I just started working with the Dean, my law classes start the 24th and my master's classes start Sept. 1; so let's see how that goes.

On Aug 13, 2020, at 5:10 PM, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote: We're all doing fine. The final draft of the voting report is due tomorrow, and the Commissioners vote on it next Friday, so we're excited about that and hope it gets adopted. How are you? From: Sabrina Rodriguez <smrodriguez@law.gwu.edu> Sent: Thursday, August 13, 2020 5:01 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Reference

CAUTION: This email is from outside USCCR.

Thank you very much! Hope you're doing good. Kind regards, Sabrina

On Jul 31, 2020, at 5:28 PM, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote: Oh that's great! Congratulations!

From: Sabrina Rodriguez <smrodriguez@law.gwu.edu> Sent: Friday, July 31, 2020 3:37:47 PM To: Katherine Culliton-Gonzalez Subject: Re: [EXTERNAL] Reference

CAUTION: This email is from outside USCCR.

Thank you! She actually offered me the Research Assistant Position yesterday. Stay safe and healthy. Kind regards, Sabrina

On Thu, Jul 30, 2020, 12:31 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Yes, thanks, I'm happy to do that - I just replied to her email and hope she and I can talk soon. -Kathy

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:smrodriguez@law.gwu.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:smrodriguez@law.gwu.edu>
<mailto:kculliton-gonzalez@usccr.gov>

From: Sabrina Rodriguez <smrodriguez@law.gwu.edu> Sent: Thursday, July 30, 2020 12:10:04 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Reference

CAUTION: This email is from outside USCCR.

Hi Kathy, Hope this email finds you well. I wrote to you because I applied for a Research Assistant Position with an Associate Dean of my university and she asked for a reference, so I gave her your email. Hope that's alright. Kind regards, Sabrina Rodriguez

<mailto:smrodriguez@law.gwu.edu>

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Date : 8/27/2020 4:45:14 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "paycheck@gdcii.com" paycheck@gdcii.com Subject : Automatic reply: [EXTERNAL] Paycheck8: NICHOLAS J BAIR - T&A has been submitted. To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/28/2020 4:16:23 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Weahkee, Michael (IHS/HQ)" Michael.Weahkee@ihs.gov Subject : Automatic reply: Affected Agency Review: COVID-19 in Indian Country To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 8/31/2020 9:45:43 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "geraldntn@hotmail.com" geraldntn@hotmail.com Subject : scheduling interview at U.S. Commission on Civil Rights Dear Mr. Fosten, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. I am sorry for the short notice, but wonder if you are free tomorrow at 10:00 am? If not, we can find another time. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:55:00 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "StephanieMcDonald@gmail.com" StephanieMcDonald@gmail.com Subject : interview with U.S. Commission on Civil Rights Dear Ms. McDonald, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Thursday (9/3) at 10:00 am? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:49:35 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "kcastellanosbrown@gmail.com" kcastellanosbrown@gmail.com Subject : interview with the U.S. Commission on Civil Rights Dear Ms. Castellanos-Brown, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Wednesday (9/2) at 11:00 am? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:49:26 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "kcastellanosbrown@gmail.com" kcastellanosbrown@gmail.com Subject : Recall: interview with the U.S. Commission on Civil Rights Katherine Culliton-Gonzalez would like to recall the message, "Interview with the U.S. Commission on Civil Rights".

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Date : 8/31/2020 9:53:14 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "casybilong@gmail.com" casybilong@gmail.com Subject : interview with U.S. Commission on Civil Rights Dear Mr. Bilong, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Wednesday (9/2) at 12:00 pm (noon)? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:56:48 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "miller.meredith.k@gmail.com" miller.meredith.k@gmail.com Subject : interview with U.S. Commission on Civil Rights Dear Ms. Miller, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Thursday (9/3) at 11:00 am? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:47:25 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "goodechris@gmail.com" goodechris@gmail.com Subject : interview at U.S. Commission on Civil Rights Dear Mr. Goode, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. I am sorry for the short notice, but wonder if you are free tomorrow (Tuesday 9/1) at 11:00 am? If not, we can find another time. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 9:48:53 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "kcastellanosbrown@gmail.com" kcastellanosbrown@gmail.com Subject : interview with the U.S. Commission on Civil Rights Dear Ms. Castellanos-Brown, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Wednesday (9/2) at 10:00 am? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation U.S. Commission on Civil Rights www.usccr.gov

<http://www.usccr.gov/>

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Date : 8/31/2020 11:53:22 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Chris Goode" goodechris@gmail.com Subject : RE: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights Terrific! I'll call you at the number listed on your resume (808-209-5587), if that works for you. From: Chris Goode <goodechris@gmail.com> Sent: Monday, August 31, 2020 11:48 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Good afternoon Ma'am I would love to talk tomorrow, 11am works great. Thank you for your time, Chris. On Mon, Aug 31, 2020 at 9:47 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Mr. Goode,

I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

the position open.

I am sorry for the short notice, but wonder if you are free tomorrow (Tuesday 9/1) at 11:00 am?

If not, we can find another time.

Please let me know.

Thanks & best regards,

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

www.usccr.gov

https://url.emailprotection.link/?bEoMuFIT2RY2FFKF4WMI4xG-9fOvbrT5GyjWuSzZ7zS_0w9VYy9OnoTIZqkS01I3XN_EC08rFcVUIHaSMC70EmA~~

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Date : 8/31/2020 2:26:08 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zakee Martin" zmartin@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Angelia Rorison" angelia.rorison@gmail.com, "Maureen Rudolph" mrudolph@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Nicholas Bair" nbair@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Amy Royce" aroyce@usccr.gov, "Rukku Singla" rsingla@usccr.gov Subject : RE: Meeting on Planning for Release of Report on Subminimum Wage Attachment : 2020_09_SubWagesSavethedate v12 ar jl rs cl (1).kcg.docx; Hi Zakee, I have a minor correction herein. Thanks as always, Kathy From: Zakee Martin <zmartin@usccr.gov> Sent: Monday, August 31, 2020 11:35 AM To: Mauro Morales <mmorales@usccr.gov>; TinaLouise Martin <tmartin@usccr.gov>; Angelia Rorison <angelia.rorison@gmail.com>; Maureen Rudolph <mrudolph@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; Vincent A. Eng <veng@veng-group.com>; Nicholas Bair <nbair@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Amy Royce <aroyce@usccr.gov>; Rukku Singla <rsingla@usccr.gov> Subject: Re: Meeting on Planning for Release of Report on Subminimum Wage

Hi all, recirculating the Save the Date checking for edits. Barring any changes, this version will be posted tomorrow.

Zakee Martin
Public Affairs Specialist, Office of Staff Director
U.S. Commission On Civil Rights
1331 Pennsylvania Ave, NW
Washington, DC
www.usccr.gov
Twitter: @USCCRgov

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and

<http://www.usccr.gov/>

Congress on civil rights matters.

Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. #USCCR60yrs

From: Zakee Martin Sent: Thursday, August 27, 2020 5:00:48 PM To: Mauro Morales; TinaLouise Martin; Angelia Rorison; Maureen Rudolph; Pamela Dunston; Vincent A. Eng; Nicholas Bair; Katherine Culliton-Gonzalez; Joyce Liu; Amy Royce; Rukku Singla Subject: Re: Meeting on Planning for Release of Report on Subminimum Wage

Hi all, attached is the latest version of the Save the Date. If there are any comments or edits please send back.

Zakee Martin
Public Affairs Specialist, Office of Staff Director
U.S. Commission On Civil Rights
1331 Pennsylvania Ave, NW
Washington, DC

Twitter: @USCCRgov

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters.

Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. #USCCR60yrs

From: Mauro Morales Sent: Tuesday, August 25, 2020 5:40:17 PM To: Zakee Martin; TinaLouise Martin; Angelia Rorison; Maureen Rudolph; Pamela Dunston; Vincent A. Eng; Nicholas Bair; Katherine Culliton-Gonzalez; Joyce Liu; Amy Royce; Rukku Singla Subject: Meeting on Planning for Release of Report on Subminimum Wage When: Tuesday, September 1, 2020 11:00 AM-12:00 PM.

<http://www.usccr.gov/>

Where: <https://us02web.zoom.us/j/84746767354?pwd=ZzBnWlFFdzZZbVFjY0wzNmIwTRxkdz09>

Mauro Morales is inviting you to a scheduled Zoom meeting on planning for the release of the report on subminimum wage

Join Zoom Meeting

<https://us02web.zoom.us/j/84746767354?pwd=ZzBnWlFFdzZZbVFjY0wzNmIwTRxkdz09>

Meeting ID: 847 4676 7354

Passcode: 377444

One tap mobile

+16465588656,,84746767354#,,,,,0#,,377444# US (New York)

+13017158592,,84746767354#,,,,,0#,,377444# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

855 880 1246 US Toll-free

877 369 0926 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

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<https://us02web.zoom.us/j/84746767354?pwd=ZzBnWlFFdzZZbVFjY0wzNmIwTRxkdz09>

Passcode: 377444

Find your local number: <https://us02web.zoom.us/u/ksLcr34Fz>

Join by SIP

84746767354@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

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149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

Meeting ID: 847 4676 7354

Passcode: 377444

<https://us02web.zoom.us/u/ksLcr34Fz>

<mailto:84746767354@zoomcrc.com>

U.S. Commission on Civil Rights Report Release

Subminimum Wages: Impacts on the Civil Rights of People with Disabilities

Friday, September 17, 2020

On September 17th, the U.S. Commission on Civil Rights will release the report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*.

The report examines the exemption under the Fair Labor Standards Act – the section 14(c) waiver program - which permits employers to pay less than the minimum wage to individuals with disabilities. The Commission examined federal enforcement of the civil rights of individuals within the program. The Commission further examined the program as a whole to determine its consistency with the civil rights protections to which people with disabilities are entitled.

The Commission held a [public briefing](#) in November 2019 to take in information from Members of Congress, Labor and Justice Department officials, self-advocates and workers with disabilities, family members of people with disabilities, service providers, public officials, and experts on disability employment and data analysis. We invite you to view the [morning](#), [afternoon](#) and [public comment](#) sessions. The Commission also conducted two field visits (to [Vermont](#) and [Virginia](#)) to employment and service provision sites supporting workers with disabilities earning subminimum and competitive wages, and reviewed thousands of public comments both in favor of and opposed to the program.

Subminimum Wages will offer actionable recommendations to the President, Congress, and federal agencies. The report will be publicly available on our [website](#) Friday, September 17.

Stay abreast of updates at www.usccr.gov and on [Twitter](#) and [Facebook](#).

###

The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).

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Date : 8/31/2020 2:15:02 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Meredith Miller" miller.meredith.k@gmail.com Subject : RE: [EXTERNAL] Re: interview with U.S. Commission on Civil Rights Thank you so much for the update – and congratulations on your new position! –Kathy From: Meredith Miller <miller.meredith.k@gmail.com> Sent: Monday, August 31, 2020 1:24 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: interview with U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Dear Ms. Culliton-Gonzalez, Thank you for your email. I am respectfully declining the phone interview as I have already accepted another position at my agency. Best of luck with your candidate search! Regards, Meredith Miller

On Aug 31, 2020, at 09:56, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Ms. Miller, I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open. Are you available Thursday (9/3) at 11:00 am? If not, we can find another time, but I would very much like to schedule something this week if we can. Please let me know. Thanks & best regards, Katherine Culliton-Gonzalez, Esq. Director, Office of Civil Rights Evaluation

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

U.S. Commission on Civil Rights www.usccr.gov

https://url.emailprotection.link?bEoMuFIT2RY2FFKF4WMI4xG-9fOvbrT5GyjWuSzZ7zS_0w9VYy9OnoTIZqkS01I3XN_EC08rFcVUIHaSMC70EmA~~

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Date : 8/31/2020 7:35:47 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Casimir Yem Bilong" casybilong@gmail.com Subject : RE: [EXTERNAL] Re: interview with U.S. Commission on Civil Rights Thanks, I look forward to talking then. Have a nice evening, Kathy From: Casimir Yem Bilong <casybilong@gmail.com> Sent: Monday, August 31, 2020 6:07 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: interview with U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Good Evening Katherine, Thank you for reaching out to me regarding the Social Scientist position. Yes, I will be available for a phone interview on Wednesday 9/2 at 12pm. My phone number is 218-213-2909. Thank you again and I look forward to speaking with you. Casimir Bilong On Mon, Aug 31, 2020 at 9:53 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Mr. Bilong,

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open.

Are you available Wednesday (9/2) at 12:00 pm (noon)?

If not, we can find another time, but I would very much like to schedule something this week if we can.

Please let me know.

Thanks & best regards,

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

www.usccr.gov

https://url.emailprotection.link?bEoMuFIT2RY2FFKF4WMI4xG-9fOvbrT5GyjWuSzZ7zS_0w9VYy9OnoTIZqkS01I3XN_EC08rFcVUIHaSMC70EmA~~

-- Casimir Bilong, PhD

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Date : 9/2/2020 1:43:04 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Hello! And Letter of Recommendation Hi Juliette, I just wanted to circle back about the fellowship application. I am happy to sign the draft you provided, to whoever it would be addressed and whenever the time is right. Did I miss the information from late August or should we wait on that letter? Thanks, Kathy From: Juliette Singarella <jrs436@georgetown.edu> Sent: Thursday, August 13, 2020 1:47 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, Happy Thursday! I hope all is well with you. Sorry for the delay in getting you this material, but attached are two drafts of a letter of recommendation—one to be used for a women's rights fellowship and one to be used for judicial clerkships (I have decided to expand my job search to include these). I have also attached a packet of information that I made for another one of my recommenders that might be useful to you as you edit my drafts. It includes instructions on how to send the letter, my transcript, writing sample, and info as to why I want to be a law clerk/fellow. For the clerkship applications, you can send the letter as a word doc to lawclerkships@georgetown.edu, who will send the letter to the judges directly. You can leave the Dear Judge [Name] section blank, as the Georgetown clerkship team will personalize that info based on my list of judges. For the fellowship application, the app hasn't yet opened, so I don't have the information as to who/how to send the letter. It's supposed to open up in late August, so once it does, I'll pass that info along to you! Thank you so, so much for your help in this process. I'm so grateful to have your support. Please let me know if there is anything else I can do/send! All the best, Juliette

<mailto:lawclerkships@georgetown.edu>

On Mon, Jul 27, 2020 at 4:17 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

Hi Kathy, Thank you so much! I really appreciate it, and will get a draft to you as soon as possible. Attached is my current resume. All the best, Juliette On Mon, Jul 27, 2020 at 4:06 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Juliette, it's great to hear from you. I hope you and your loved ones are doing well, all things considered.

I'd be delighted to write a letter of recommendation. If you like, you could draft the letter for me and I'll edit it. Also, please do send your updated resume.

Best regards, Kathy

From: Juliette Singarella <jrs436@georgetown.edu> Sent: Monday, July 27, 2020 3:52:10 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, I hope all is well, and that you and your loved ones are safe and healthy amid the current chaos of COVID. I am reaching out to ask if you would consider writing me a letter of recommendation as I begin applying for post-graduate jobs. I just completed my summer at the Sexual Assault Legal Institute, and after having worked at SALI and the Commission, I am determined to pursue a career in advocating for women's rights. There are a number of fellowships that I am hoping to apply for which require references and/or letters of recommendations, and I would be honored if you would continue supporting me in my job search. As I have told you before, my time working with you at the Commission was invaluable and has undoubtedly furthered my passion and desire to fight for civil and women's rights. If this is something you might be interested in, I'd be happy to send over my resume, transcripts, and a summary of what I worked on with you last summer to aid in the process of writing this letter, or anything else that you might think would be helpful. Please let me know. Warmest regards,

<mailto:jrs436@georgetown.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jrs436@georgetown.edu>

Juliette

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Date : 9/4/2020 9:22:50 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Gerald Fosten" geraldntn@hotmail.com Subject : RE: Thank You: Gerald Fosten Thank you, Gerald. I would like to invite you for a second interview, by Zoom, some time next week. I would send you a Zoom link that you could sign into, so we'd have a chance to talk further. I may also bring in other members of the team, so you get a chance to meet them. The slots we have available are Tuesday (9/8) at 10, Wednesday (9/9) at 11 or Friday (9/11) at 11. Do any of those times work for you? -Kathy From: Gerald Fosten <geraldntn@hotmail.com> Sent: Thursday, September 3, 2020 6:12 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Thank You: Gerald Fosten

CAUTION: This email is from outside USCCR.

Dear Kathy,

Thank you very much for the opportunity to interview for the position in U.S. Commission on Civil Rights today. It was a pleasure speaking with you and the opportunity to learn more about the Social Scientist position. I am very excited about the opportunity to join USCCR and help with your team. I look forward to hearing from you about the next steps in the hiring process, and please do not hesitate to contact me if I can provide additional information. Best Regards, Gerald Fosten

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Date : 9/4/2020 12:55:53 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Nicholas Bair" nbair@usccr.gov, "Gerald Fosten" geraldntn@hotmail.com Subject : Zoom meeting with Gerald Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: Zoom meeting with Gerald Time: Sep 11, 2020 11:00 AM Eastern Time (US and Canada) Join Zoom Meeting <https://us02web.zoom.us/j/84386874423?pwd=Wlp6RW1mQXUxUnhsWit3UjV4NFp6dz09> Meeting ID: 843 8687 4423 Passcode: 033067 One tap mobile +13017158592,,84386874423#,,,,,0#,,033067# US (Germantown) +16465586656,,84386874423#,,,,,0#,,033067# US (New York) Dial by your location +1 301 715 8592 US (Germantown) +1 646 558 8656 US (New York) +1 312 626 6799 US (Chicago) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 833 548 0262 US Toll-free 855 880 1246 US Toll-free 877 369 0926 US Toll-free 833 548 0276 US Toll-free Meeting ID: 843 8687 4423 Passcode: 033067 Find your local number: <https://us02web.zoom.us/j/kenyvRyG4s> Join by SIP 84386874423@zoomcrc.com Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan)

<https://us02web.zoom.us/j/84386874423?pwd=Wlp6RW1mQXUxUnhsWit3UjV4NFp6dz09>

<https://us02web.zoom.us/j/84386874423?pwd=Wlp6RW1mQXUxUnhsWit3UjV4NFp6dz09>

<mailto:84386874423@zoomcrc.com>

Meeting ID: 843 8687 4423 Passcode: 033067

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Date : 9/4/2020 12:51:28 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Gerald Fosten" geraldntn@hotmail.com Subject : RE: Thank You: Gerald Fosten Sounds good – I'll send a calendar invite shortly, and will also include my colleagues who will be in the interview. They are Marik Xavier-Brier, a leading social scientist on our team, and Nick Bair, another attorney on our team who serves as Civil Rights Analyst. Please let me know if you have any questions in the meantime, and have a great weekend! -Kathy From: Gerald Fosten <geraldntn@hotmail.com> Sent: Friday, September 4, 2020 11:53 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Thank You: Gerald Fosten

CAUTION: This email is from outside USCCR.

Dear Kathy, Thank you very much for time slots you have suggested. Since Friday is my day off from work, I select the schedule for that day at 11:00a.m. I am looking forward to an exciting interview with you and your colleagues. Sincerely, Gerald

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 4, 2020 9:22 AM To: Gerald Fosten <geraldntn@hotmail.com> Subject: RE: Thank You: Gerald Fosten Thank you, Gerald. I would like to invite you for a second interview, by Zoom, some time next week. I would send you a Zoom link that you could sign into, so we'd have a chance to talk further. I may also bring in other members of the team, so you get a chance to meet them.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:geraldntn@hotmail.com>

The slots we have available are Tuesday (9/8) at 10, Wednesday (9/9) at 11 or Friday (9/11) at 11. Do any of those times work for you? -Kathy From: Gerald Fosten <geraldntn@hotmail.com> Sent: Thursday, September 3, 2020 6:12 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Thank You: Gerald Fosten

CAUTION: This email is from outside USCCR.

Dear Kathy,

Thank you very much for the opportunity to interview for the position in U.S. Commission on Civil Rights today. It was a pleasure speaking with you and the opportunity to learn more about the Social Scientist position. I am very excited about the opportunity to join USCCR and help with your team. I look forward to hearing from you about the next steps in the hiring process, and please do not hesitate to contact me if I can provide additional information. Best Regards, Gerald Fosten

<mailto:geraldntn@hotmail.com>
<mailto:kculliton-gonzalez@usccr.gov>

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Date : 9/4/2020 4:45:12 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "dalvarez@jd22.law.harvard.edu" dalvarez@jd22.law.harvard.edu Cc : "Latrice Foshee" lfoshee@usccr.gov Subject : RE: [EXTERNAL] RE: USCCR welcome Fantastical! Enjoy your weekend & we'll look forward to officially greeting you soon. -Kathy From: dalvarez@jd22.law.harvard.edu <dalvarez@jd22.law.harvard.edu> Sent: Friday, September 4, 2020 3:28 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Latrice Foshee <lfoshee@usccr.gov> Subject: [EXTERNAL] RE: USCCR welcome

CAUTION: This email is from outside USCCR.

Hi Kathy,

Thank you so much for your email and your well-wishes! I am also very excited to work with everyone, and a welcome Zoom meeting sounds like a perfect occasion to get to know the team! Luckily, I am free then for an hour, so I happily accept and will jot that down. Thank you again Kathy, and I hope you are all doing extremely well!

Kind regards, Diego Alvarez

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 4, 2020 7:21 AM To: dalvarez@jd22.law.harvard.edu Cc: Latrice Foshee <lfoshee@usccr.gov> Subject: USCCR welcome Hi Diego, I hope you're doing well and enjoying your classes. We are very excited to welcome you to our team starting September 14, and would like to schedule an informal welcome Zoom meeting. Would you be free at 12:00 ET that day? If not, what times work for you? Please let us know. Thanks, Kathy

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>
<mailto:lfoshee@usccr.gov>

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Date : 9/8/2020 11:05:11 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Amy Royce" aroyce@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Joyce Liu" jliu@veng-group.com, "Nicholas Bair" nbair@usccr.gov Subject : RE: Planning on Release on SubWage Report Zoom Meeting Sorry please ignore my last email I was too early. Will try again at 11:30. -----Original Appointment----- From: Mauro Morales <mmorales@usccr.gov> Sent: Wednesday, September 2, 2020 10:51 AM To: Mauro Morales; Rukku Singla; Angelia Rorison; Amy Royce; Pamela Dunston; Zakee Martin; Maureen Rudolph; TinaLouise Martin; Vincent A. Eng; Joyce Liu; Nicholas Bair; Katherine Culliton-Gonzalez Subject: Planning on Release on SubWage Report Zoom Meeting When: Tuesday, September 8, 2020 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada). Where: <https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSsxWEExQjZxdz09> Mauro Morales is inviting you to a scheduled Zoom meeting. Join Zoom Meeting <https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSsxWEExQjZxdz09> Meeting ID: 393 817 2441 Passcode: 193193 One tap mobile +13017158592,,3938172441#,,,,,0#,,193193# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0262 US Toll-free 855 880 1246 US Toll-free Meeting ID: 393 817 2441 Passcode: 193193 Find your local number: <https://us02web.zoom.us/j/kxNvh0Jr5> Join by SIP

<https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSsxWEExQjZxdz09>

<https://us02web.zoom.us/j/kxNvh0Jr5>

3938172441@zoomcrc.com Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 393 817 2441 Passcode: 193193

<mailto:3938172441@zoomcrc.com>

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Date : 9/8/2020 11:13:30 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Zakee Martin" zmartin@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Angelia Rorison" angelia.rorison@gmail.com, "Maureen Rudolph" mrudolph@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Nicholas Bair" nbair@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Amy Royce" aroyce@usccr.gov, "Rukku Singla" rsingla@usccr.gov Subject : RE: Meeting on Planning for Release of Report on Subminimum Wage Attachment : SMWagesPr1stDraft.kcg.docx; Thanks Zakee! I have a suggested edit in the attached. From: Zakee Martin <zmartin@usccr.gov> Sent: Tuesday, September 8, 2020 10:14 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; TinaLouise Martin <tmartin@usccr.gov>;

<https://us02web.zoom.us/j/84746767354?pwd=ZzBnWlFkdzZzbnVlY0wzNmIwczRxdz09>

855 880 1246 US Toll-free

877 369 0926 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

Meeting ID: 847 4676 7354

Passcode: 377444

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213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

Meeting ID: 847 4676 7354

Passcode: 377444

<https://us02web.zoom.us/j/ksLcr34Fz>

<mailto:84746767354@zoomcrc.com>

PRESS RELEASE Contact: Angelia Rorison

September 17, 2020 arorison@usccr.gov

202-376-8359

U.S. Commission on Civil Rights Releases Report:

Subminimum Wages: Impacts on the Civil Rights of People with Disabilities

WASHINGTON – Today, the U.S. Commission on Civil Rights released its report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*. The report examines an exemption under the Fair Labor Standards Act – the section 14(c) waiver program - which permits employers to pay less than the minimum wage to individuals with disabilities. The Commission examined federal enforcement of the civil rights of individuals within the program. The Commission further examined the program as a whole to determine its consistency with the civil rights protections to which people with disabilities are entitled. Comment by Katherine Culliton-Gonzalez: I realized this sentence is a bit hard to follow and it may be because we aren't being clear enough. Do we mean enforcing the civil rights protections of individuals? Or do we mean the protections within the program and how they are enforced? I think we studied #1 above and my edits reflect that but if I'm wrong please let me know.

Chair Catherine E. Lhamon said, "[Insert]"

Key findings from the Commission majority include:

[Insert]

Key recommendations from the Commission majority include:

[Insert]

The Commission held a [public briefing](#) in November 2019 to take in information from Members of Congress, Labor and Justice Department officials, self-advocates and workers with disabilities, family members of people with disabilities, service providers, public officials, and experts on disability employment and data analysis. We invite you to view the [morning](#), [afternoon](#) and [public comment](#) sessions. The Commission also conducted two field visits (to [Vermont](#) and [Virginia](#)) to employment and service provision sites supporting workers with disabilities earning subminimum and competitive wages, and reviewed thousands of public comments both in favor of and opposed to the program.

###

The U.S. Commission on Civil Rights is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit

www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).

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Date : 9/8/2020 11:04:38 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Amy Royce" aroyce@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Joyce Liu" jliu@veng-group.com, "Nicholas Bair" nbair@usccr.gov Subject : RE: Planning on Release on SubWage Report Zoom Meeting Hi I'm having trouble signing in with the meeting passcode. Does anyone else have the correct passcode? ---Original Appointment----- From: Mauro Morales <mmorales@usccr.gov> Sent: Wednesday, September 2, 2020 10:51 AM To: Mauro Morales; Rukku Singla; Angelia Rorison; Amy Royce; Pamela Dunston; Zakee Martin; Maureen Rudolph; TinaLouise Martin; Vincent A. Eng; Joyce Liu; Nicholas Bair; Katherine Culliton-Gonzalez Subject: Planning on Release on SubWage Report Zoom Meeting When: Tuesday, September 8, 2020 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada). Where: <https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSsxWEExqUjZxdz09> Meeting ID: 393 817 2441 Passcode: 193193 One tap mobile +13017158592,,3938172441#,,,,,0#,,193193# US (Germantown) +13126266799,,3938172441#,,,,,0#,,193193# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free 855 880 1246 US Toll-free Meeting ID: 393 817 2441 Passcode: 193193 Find your local number: <https://us02web.zoom.us/j/ksLcr34Fz>

<https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSsxWEExqUjZxdz09>

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<mailto:3938172441@zoomcrc.com>

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Date : 9/8/2020 11:06:58 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Vincent A. Eng" veng@veng-group.com, "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Amy Royce" aroyce@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Nicholas Bair" nbair@usccr.gov Subject : RE: Planning on Release on SubWage Report Zoom Meeting Got it, thanks! Just gonna blame remote learning for all ages... © From: Vincent A. Eng <veng@veng-group.com> Sent: Tuesday, September 8, 2020 11:06 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; TinaLouise Martin <tmartin@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] RE: Planning on Release on SubWage Report Zoom Meeting

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On my calendar the meeting is at 11:30. It's possible the system/host is not on yet. _____ Vincent A. Eng VENG GROUP O +1 202 499 7027, x 101 M +1 703 981 6636 F +1 202 499 7030 veng@veng-group.com From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Tuesday, September 8, 2020 11:05 AM To: Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <Pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Vincent A. Eng <veng@veng-group.com>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: RE: Planning on Release on SubWage Report Zoom Meeting Hi I'm having trouble signing in with the meeting passcode. Does anyone else have the correct passcode?

<mailto:veng@veng-group.com>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:mmorales@usccr.gov>
<mailto:rsingla@usccr.gov>
<mailto:arorison@usccr.gov>
<mailto:aroyce@usccr.gov>
<mailto:pdunston@usccr.gov>
<mailto:zmartin@usccr.gov>
<mailto:mrudolph@usccr.gov>
<mailto:tmartin@usccr.gov>
<mailto:veng@veng-group.com>
<mailto:jliu@veng-group.com>
<mailto:nbair@usccr.gov>

-----Original Appointment----- From: Mauro Morales <mmorales@usccr.gov> Sent: Wednesday, September 2, 2020 10:51 AM To: Mauro Morales; Rukku Singla; Angelia Rorison; Amy Royce; Pamela Dunston; Zakee Martin; Maureen Rudolph; Tina Louise Martin; Vincent A. Eng; Joyce Liu; Nicholas Bair; Katherine Culliton-Gonzalez Subject: Planning on Release on SubWage Report Zoom Meeting When: Tuesday, September 8, 2020 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada). Where: <https://us02web.zoom.us/j/3938172441?pwd=c2Uyeko5NWkwRzVsQSsxWEExLUZkdz09> Mauro Morales is inviting you to a scheduled Zoom meeting. Join Zoom Meeting <https://us02web.zoom.us/j/3938172441?pwd=c2Uyeko5NWkwRzVsQSsxWEExLUZkdz09> Meeting ID: 393 817 2441 Passcode: 193193 One tap mobile +13017158592,,3938172441#,,,,,0#,193193# US (Germantown) +13126266799,,3938172441#,,,,,0#,193193# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8762 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free 855 880 1246 US Toll-free Meeting ID: 393 817 2441 Passcode: 193193 Find your local number: <https://us02web.zoom.us/j/3938172441?pwd=c2Uyeko5NWkwRzVsQSsxWEExLUZkdz09> Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil)

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<https://url.emailprotection.link/?bjGvcSmshrQTchjMN-Eln0ChrcCYmoPkZf5TE0Hf6vvyNc5SxIYpWb0-ii-eWzamMYkyNzLXB6I-ZxbZ9mB8D2p2v03fJ2fAMzH5YgUTCKY8VBIct0VEbwc34rzvOCCmuQ1VZJ0POAaBY7fqEFQQRDR17dY-jolNse-9rJJCFlUXfY~>
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<mailto:3938172441@zoomcrc.com>

69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 393 817 2441 Passcode: 193193

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Date : 9/8/2020 11:31:53 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Vincent A. Eng" veng@veng-group.com, "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Amy Royce" aroyce@usccr.gov, "Pamela Dunston" Pdunston@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "Tina Louise Martin" tmartin@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Nicholas Bair" nbair@usccr.gov Subject : RE: Planning on Release on SubWage Report Zoom Meeting We can use my zoom it's open: <https://us02web.zoom.us/j/82571990361?pwd=NUtmOWJNMzkxbWVlUHl3dE9VeEpnUT09> From: Vincent A. Eng <veng@veng-group.com> Sent: Tuesday, September 8, 2020 11:30 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <Pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] RE: Planning on Release on SubWage Report Zoom Meeting

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Dan Barry New York Times Print Acknowledged Sarah Kim Freelance; Forbes Print Acknowledged Joe Shapiro NPR Stream/Radio Acknowledged

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Michael Grabell Pro Publica Print Acknowledged Debra Cassens Weiss ABA Journal Print Acknowledged Alina Selyukh NPR Print Acknowledged Donovan Slack USA Today Print Acknowledged Charles Wilson Last Week Tonight Broadcast Waiting for response Joyce Bender Disability Matters Stream/Radio Waiting for response Sara Luterman Freelance; VOX, WPost, The Nation Print Waiting for response Caleb Brennan MN Public Radio Print Waiting for response Cheryl Corley NPR Print/Stream/Radio Waiting for response

_____ Vincent A. Eng VENG GROUP O +1 202 499 7027, x 101 M +1 703 981 6636 F +1 202 499 7030 veng@veng-group.com From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Tuesday, September 8, 2020 11:07 AM To: Vincent A. Eng <veng@veng-group.com>; Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <Pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: RE: Planning on Release on SubWage Report Zoom Meeting Got it, thanks! Just gonna blame remote learning for all ages... From: Vincent A. Eng <veng@veng-group.com> Sent: Tuesday, September 8, 2020 11:06 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <Pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] RE: Planning on Release on SubWage Report Zoom Meeting

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<mailto:tmartin@usccr.gov>
<mailto:jliu@veng-group.com>
<mailto:nbair@usccr.gov>
<mailto:veng@veng-group.com>
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<mailto:arorison@usccr.gov>
<mailto:aroyce@usccr.gov>
<mailto:pdunston@usccr.gov>
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<mailto:mrudolph@usccr.gov>
<mailto:tmartin@usccr.gov>
<mailto:jliu@veng-group.com>
<mailto:nbair@usccr.gov>

Vincent A. Eng VENG GROUP O +1 202 499 7027, x 101 M +1 703 981 6636 F +1 202 499 7030 veng@veng-group.com From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Tuesday, September 8, 2020 11:05 AM To: Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <Pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Vincent A. Eng <veng@veng-group.com>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: RE: Planning on Release on SubWage Report Zoom Meeting Hi I'm having trouble signing in with the meeting passcode. Does anyone else have the correct passcode? -----Original Appointment----- From: Mauro Morales <mmorales@usccr.gov> Sent: Wednesday, September 2, 2020 10:51 AM To: Mauro Morales; Rukku Singla; Angelia Rorison; Amy Royce; Pamela Dunston; Zakee Martin; Maureen Rudolph; Tina Louise Martin; Vincent A. Eng; Joyce Liu; Nicholas Bair; Katherine Culliton-Gonzalez Subject: Planning on Release on SubWage Report Zoom Meeting When: Tuesday, September 8, 2020 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada). Where: <https://us02web.zoom.us/j/3938172441?pwd=c2Uyeko5NWkwRzVsQSsxWEExLUZkdz09>

pwd=czUyeko5NWkwRzVsQSSxWEqxUIZxd209 Mauro Morales is inviting you to a scheduled Zoom meeting. Join Zoom Meeting https://us02web.zoom.us/j/3938172441?pwd=czUyeko5NWkwRzVsQSSxWEqxUIZxd209 Meeting ID: 393 817 2441 Passcode: 193193 One tap mobile +13017158592,,3938172441#,,,,,0#,,193193# US (Germantown) +13126266799,,3938172441#,,,,,0#,,193193# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free 855 880 1246 US Toll-free Meeting ID: 393 817 2441 Passcode: 193193 Find your local number: https://us02web.zoom.us/j/3938172441

- <mailto:veng@veng-group.com>
- <mailto:kculliton-gonzalez@usccr.gov>
- <mailto:mmorales@usccr.gov>
- <mailto:rsingla@usccr.gov>
- <mailto:arorison@usccr.gov>
- <mailto:aroyce@usccr.gov>
- <mailto:pdunston@usccr.gov>
- <mailto:zmartin@usccr.gov>
- <mailto:mrudolph@usccr.gov>
- <mailto:tmartin@usccr.gov>
- <mailto:veng@veng-group.com>
- <mailto:jliu@veng-group.com>
- <mailto:nbair@usccr.gov>
- <mailto:mmorales@usccr.gov>
- <https://url.emailprotection.link/?bjGVcSmshrQTchjMN-Eln0ChrxCYmoPkZf5TE0hF6vyNc5SxYpWb0-ii-eWzamMYkyNzLXB6I-ZxbZ9mB8D2p2vO3fJ2fAMzH5YgUTCKY8VBict0VEbwc34rzvOCCmuQ1VZJ0POAaBY7fqEFQQRDR17dY-jolNse-9rJJCFlUXfY->
- <https://url.emailprotection.link/?bjGVcSmshrQTchjMN-Eln0ChrxCYmoPkZf5TE0hF6vyNc5SxYpWb0-ii-eWzamMYkyNzLXB6I-ZxbZ9mB8D2p2vO3fJ2fAMzH5YgUTCKY8VBict0VEbwc34rzvOCCmuQ1VZJ0POAaBY7fqEFQQRDR17dY-jolNse-9rJJCFlUXfY->
- https://url.emailprotection.link/?bjGVcSmshrQTchjMN-Eln0L2V2dLcFdLSMgWrz5LPF7IszARdaA4z6HzmVqgzKq-3t620eN3XQgdp_auFS5KjV2Sm7EH3wBrD2UQ-5qK- m9NHZd9z79_X6tRzVsk5

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Date : 9/9/2020 10:50:17 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Mauro Morales" mmorales@usccr.gov Subject : RE: Quick check-in on 14c report timing - inquiry from NCD Staff Thanks I'm free between 9:30-11:00 and actually would also like to check in about the briefing planning and update you on Irena's ideas/asks, before that meeting. From: Mauro Morales <mmorales@usccr.gov> Sent: Wednesday, September 9, 2020 10:45 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: Re: Quick check-in on 14c report timing - inquiry from NCD Staff Yes. We should discuss. Do you have time tomorrow? Going to check out from hotel then head to airport shortly and I don't land at BWI until 6:00 pm.

Sent from my iPhone

On Sep 9, 2020, at 9:39 AM, Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Hi Mauro, I hope you're doing well and traveling safely. When you have time, could we check in about this inquiry from NCD? There are 2 components – (1) they would like to do a staff-to-staff briefing about our respective reports, and (2) I want to be sure the response aligns with your communications strategy.

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Please let me know if you wanted to discuss this, at your convenience. Thanks, Kathy

<mailto:kculliton-gonzalez@usccr.gov>

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Hi again, Kathy. Circling back just to see if you might have any update on whether there might be a staff-to-staff briefing opportunity on our respective reports. Our AbilityOne modernization report is set for release on October 14, and we'd be glad to do a briefing for your staff and/or Commissioners on that, too. Thanks in advance, Anne

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Director of Legislative Affairs and Outreach

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<https://url.emailprotection.link/?bEOV1EFWjaurg0DVh8p6TEI3j4ONtffWgBIFrcFnScR6CifLJ4ahVSuexl2PkJZUGBNdZbLCIERgRsDgkKRyySg~~>

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https://url.emailprotection.link/?buA_Igxz-gSPSEQ2bLLMp0mJM6jskAocPErhzESZ07oRcRUUpOBnGMp1UKEi4fr24VTspNoSxa9DnlJQNBOqxLABxLguThtawnsAC9INN2-TlIj8qgSSf9b1H59OXuZFF

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Date : 9/11/2020 10:57:10 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Hello! And Letter of Recommendation Yes, no problem. Take care, Kathy From: Juliette Singarella <jrs436@georgetown.edu> Sent: Thursday, September 10, 2020 11:19 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, Thanks for following up! The application for the fellowship actually just opened--you didn't miss anything. It's much more extensive than the other apps (multiple essays), and isn't due until November, so I will be working on it in the upcoming couple of months. If it works for you, I could email you when I'm about to submit, and you could send in the letter of rec at that time? I'll provide all the relevant info. Thanks! Juliette On Wed, Sep 2, 2020 at 1:43 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Hi Juliette, I just wanted to circle back about the fellowship application. I am happy to sign the draft you provided, to whoever it would be addressed and whenever the time is right. Did I miss the information from late August or should we wait on that letter? Thanks, Kathy From: Juliette Singarella <jrs436@georgetown.edu> Sent: Thursday, August 13, 2020 1:47 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy,

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jrs436@georgetown.edu>
<mailto:kculliton-gonzalez@usccr.gov>

Happy Thursday! I hope all is well with you. Sorry for the delay in getting you this material, but attached are two drafts of a letter of recommendation--one to be used for a women's rights fellowship and one to be used for judicial clerkships (I have decided to expand my job search to include these). I have also attached a packet of information that I made for another one of my recommenders that might be useful to you as you edit my drafts. It includes instructions on how to send the letter, my transcript, writing sample, and info as to why I want to be a law clerk/fellow. For the clerkship applications, you can send the letter as a word doc to lawclerkships@georgetown.edu, who will send the letter to the judges directly. You can leave the Dear Judge [Name] section blank, as the Georgetown clerkship team will personalize that info based on my list of judges. For the fellowship application, the app hasn't yet opened, so I don't have the information as to who/how to send the letter. It's supposed to open up in late August, so once it does, I'll pass that info along to you! Thank you so, so much for your help in this process. I'm so grateful to have your support. Please let me know if there is anything else I can do/send! All the best, Juliette On Mon, Jul 27, 2020 at 4:17 PM Juliette Singarella <jrs436@georgetown.edu> wrote:

Hi Kathy, Thank you so much! I really appreciate it, and will get a draft to you as soon as possible. Attached is my current resume. All the best, Juliette On Mon, Jul 27, 2020 at 4:06 PM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Juliette, it's great to hear from you. I hope you and your loved ones are doing well, all things considered.

I'd be delighted to write a letter of recommendation. If you like, you could draft the letter for me and I'll edit it. Also, please do send your updated resume.

<mailto:lawclerkships@georgetown.edu>
<mailto:jrs436@georgetown.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

Best regards, Kathy

From: Juliette Singarella <jrs436@georgetown.edu> Sent: Monday, July 27, 2020 3:52:10 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Hello! And Letter of Recommendation

CAUTION: This email is from outside USCCR.

Hi Kathy, I hope all is well, and that you and your loved ones are safe and healthy amid the current chaos of COVID. I am reaching out to ask if you would consider writing me a letter of recommendation as I begin applying for post-graduate jobs. I just completed my summer at the Sexual Assault Legal Institute, and after having worked at SALI and the Commission, I am determined to pursue a career in advocating for women's rights. There are a number of fellowships that I am hoping to apply for which require references and/or letters of recommendations, and I would be honored if you would continue supporting me in my job search. As I have told you before, my time working with you at the Commission was invaluable and has undoubtedly furthered my passion and desire to fight for civil and women's rights. If this is something you might be interested in, I'd be happy to send over my resume, transcripts, and a summary of what I worked on with you last summer to aid in the process of writing this letter, or anything else that you might think would be helpful. Please let me know. Warmest regards, Juliette

<mailto:jrs436@georgetown.edu>

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Date : 9/11/2020 12:10:38 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Cc : "Nicholas Bair" nbair@usccr.gov Subject : RE: Quick check-in on 14c report timing Hi Anne, I'm so sorry but we have a Commission meeting now and then I'm tied up until 3-ish. There is a slight chance I can finish my 1:00 Zoom meeting by 1:30. If that works out where can we call you? (And if not what time is good for you on Monday?) Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:09 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Hi Kathy and Nick - Wonderful! Sorry for my slow response. I'm off today but am ending up working much of the day as it turns out. I cannot commit to 3PM (I will be caring for my toddler by then) but could talk right now if you happen to have availability (and will for another half hour at least). Please let me know. We could keep it as short as needed to fit into your schedules. Thanks and looking forward to chatting, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 10, 2020 2:35 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Quick check-in on 14c report timing Hi Anne, it's great to hear from you. We are excited about our report release on 9/17. We'd be glad to do a staff-to-staff briefing the day of the release, and would like to talk further to coordinate.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:nbair@usccr.gov>

Are you by any chance free tomorrow at 9 am or 3 pm? Please let us know and then I can send a Zoom link or call you, whichever you prefer. I'm looping in our lead researcher Nick Bair. Thank you again for your interest in our work, and for sharing your expertise with us. -Kathy & Nick From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, September 9, 2020 10:20 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Hi again, Kathy. Circling back just to see if you might have any update on whether there might be a staff-to-staff briefing opportunity on our respective reports. Our AbilityOne modernization report is set for release on October 14, and we'd be glad to do a briefing for your staff and/or Commissioners on that, too. Thanks in advance, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, July 16, 2020 2:50 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Great, here's the link for the virtual briefing tomorrow morning: <https://www.usccr.gov/files/2020-07-08-Sunshine-Act-Meeting-Notice.pdf>

We are also working on a voting right report this summer (slated to be published 10/7), and we have a few other things in the pipeline.

I'll be sure to be in touch about the Subminimum Wages report once I have more information for you.

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https://url.emailprotection.link/?bS8jZb7_NgMH4n_50JDvQm-0DOpySWDKi6RS53D6GfGfQB9xMB5IL4i-z34b1zrM5gFgvgvIHnZLcxdFmUQAgu_k7eO20V_AIG1MIJnhD4Nlemz_wL4hUoiDDJoYRw8G
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Best regards, Kathy

From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, July 16, 2020 2:45:54 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Oh, and P.S. thanks for the heads up about health disparities of the Native American community. We've covered that topic ourselves, so I'm definitely interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, July 16, 2020 2:45 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks so much, Katherine. I understand, as we don't usually do that kind of thing either. Happy to wait. Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, July 16, 2020 2:44 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Hi Anne, This is not getting we usually do, but I am consulting internally and will get back to you in early August. Thanks for your patience. -Kathy

PS we have a virtual briefing on Native American health disparities tomorrow, if you're interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Tuesday, July 14, 2020 8:47:38 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing Katherine, Just thinking aloud here...

<mailto:ASommers@ncd.gov>
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<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:ASommers@ncd.gov>

I wonder if it would be possible to consider doing staff-only confidential briefings for one another on our reports shortly before their release so we both have some degree of proficiency with one another's reports prior to their publication? We hope to elevate the Civil Rights Commission report on the Hill in connection with our own work in the area and would love to have a handle on its contents day 1 if that's possible. Similarly, you all may be interested in seeing what actions NCD is calling for based on our research findings into more than a year's worth of investigation of the AbilityOne program. Some of the findings are pretty startling, and we look forward to getting that one released in a few months. Let me know what you think of the idea. It seems like it could be a beneficial idea given the overlap of topics to one another. Anne

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:34 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks for the quick response, Katherine. Will do on keeping you informed and great intel.

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Wednesday, July 8, 2020 2:19 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Hi Anne, it's great to hear from you and I also hope you're doing well.

Our publication is slated for Sept. 17 and is very unlikely to change. (Not that I want to sound inflexible - but we have this voted-upon date that you can rely on)

I'm excited about your AbilityOne report and will share the news that it's coming with others at the Civil Rights Commission. Will you let us know when you decide to publish? I agree it's good to collaborate, and we sincerely appreciate your expertise in this space.

Thanks & take care, Kathy

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:08:42 PM

<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:ASommers@ncd.gov>

To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Quick check-in on 14c report timing Hi Katherine -- Hope all is well with you during this strange new normal we're all in together. I'm writing with a quick query I'm hoping you can help me with. NCD has just approved a comprehensive report on the AbilityOne program and it will be entering professional edits and layout, which usually runs us a couple months' time. I understand that the Commission's 14c report is anticipated in September, but I wonder if you have a greater sense of timing within that range. I ask because I believe it would be advantageous for purposes of attention as well as momentum as well as seeking to avoid information overload to space the report releases out just a little. So if yours were due out September, we might hold ours until mid- October, for instance. At this point, this is merely my own musings -- I wanted to get a bit of information from you before making a recommendation on my end regarding our release date. Any information you can provide as to your plans would be a huge help. Thanks so much, Katherine. Anne

Anne C. Sommers

Director of Legislative Affairs and Outreach

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Date : 9/11/2020 12:36:28 PM From : "Katherine Culliton-Gonzalez" <kculliton-gonzalez@usccr.gov> To : "Anne Sommers" <ASommers@ncd.gov> Cc : "Nicholas Bair" <nbair@usccr.gov> Subject : RE: Quick check-in on 14c report timing Hi Anne, let's do 11:00 am Monday. I'll send a calendar invite and a Zoom link. Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:15 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

CAUTION: This email is from outside USCCR.

I completely understand. No apologies necessary. Monday, I could talk at 11:00 AM or 1PM. Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 11, 2020 12:10 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Quick check-in on 14c report timing Hi Anne, I'm so sorry but we have a Commission meeting now and then I'm tied up until 3- ish. There is a slight chance I can finish my 1:00 Zoom meeting by 1:30. If that works out where can we call you? (And if not what time is good for you on Monday?) Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:09 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Anne

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Best regards, Kathy

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Anne C. Sommers

<mailto:ASommers@ncd.gov>

Director of Legislative Affairs and Outreach

National Council on Disability (NCD)

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Date : 9/11/2020 12:26:02 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov Subject : FW: Quick check-in on 14c report timing I'm open either time. Are you? From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:15 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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I completely understand. No apologies necessary. Monday, I could talk at 11:00 AM or 1PM. Anne

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Hi Kathy and Nick -

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Wonderful! Sorry for my slow response. I'm off today but am ending up working much of the day as it turns out. I cannot commit to 3PM (I will be caring for my toddler by then) but could talk right now if you happen to have availability (and will for another half hour at least). Please let me know. We could keep it as short as needed to fit into your schedules. Thanks and looking forward to chatting, Anne

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Best regards, Kathy

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Oh, and P.S. thanks for the heads up about health disparities of the Native American community. We've covered that topic ourselves, so I'm definitely interested.

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From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, July 16, 2020 2:44 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

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Hi Anne, This is not something we usually do, but I am consulting internally and will get back to you in early August. Thanks for your patience. -Kathy

PS we have a virtual briefing on Native American health disparities tomorrow, if you're interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Tuesday, July 14, 2020 8:47:38 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing Katherine, Just thinking aloud here... I wonder if it would be possible to consider doing staff-only confidential briefings for one another on our reports shortly before their release so we both have some degree of proficiency with one another's reports prior to their publication? We hope to elevate the Civil Rights Commission report on the Hill in connection with our own work in the area and would love to have a handle on its contents day 1 if that's possible. Similarly, you all may be interested in seeing what actions NCD is calling for based on our research findings into more than a year's worth of investigation of the AbilityOne program. Some of the findings are pretty startling, and we look forward to getting that one released in a few months. Let me know what you think of the idea. It seems like it could be a beneficial idea given the overlap of topics to one another. Anne

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:34 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks for the quick response, Katherine. Will do on keeping you informed and great intel.

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Hi Anne, it's great to hear from you and I also hope you're doing well.

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Our publication is slated for Sept. 17 and is very unlikely to change. (Not that I want to sound inflexible - but we have this voted-upon date that you can rely on.)

I'm excited about your AbilityOne report and will share the news that it's coming with others at the Civil Rights Commission. Will you let us know when you decide to publish? I agree it's good to collaborate, and we sincerely appreciate your expertise in this space.

Thanks & take care, Kathy

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:08:42 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Quick check-in on 14c report timing Hi Katherine -- Hope all is well with you during this strange new normal we're all in together. I'm writing with a quick query I'm hoping you can help me with. NCD has just approved a comprehensive report on the AbilityOne program and it will be entering professional edits and layout, which usually runs us a couple months' time. I understand that the Commission's 14c report is anticipated in September, but I wonder if you have a greater sense of timing within that range. I ask because I believe it would be advantageous for purposes of attention as well as momentum as well as seeking to avoid information overload to space the report releases out just a little. So if yours were due out September, we might hold ours until mid- October, for instance. At this point, this is merely my own musings -- I wanted to get a bit of information from you before making a recommendation on my end regarding our release date. Any information you can provide as to your plans would be a huge help. Thanks so much, Katherine. Anne

Anne C. Sommers

Director of Legislative Affairs and Outreach

<mailto:ASommers@ncd.gov>

National Council on Disability (NCD)

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Date : 9/11/2020 1:40:24 PM From : "Katherine Culliton-Gonzalez" <kculliton-gonzalez@usccr.gov> To : "Anne Sommers" <ASommers@ncd.gov> Cc : "Nicholas Bair" <nbair@usccr.gov> Subject : RE: Quick check-in on 14c report timing Great let's do 11:00. I just sent a calendar invite. Sorry for duplicate emails, but I wanted to make sure you received this. We are really looking forward to talking and hope you and your family have a great weekend! From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:15 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Anne

Anne C. Sommers

Director of Legislative Affairs and Outreach

National Council on Disability (NCD)

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Date : 9/11/2020 1:36:19 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Anne Sommers (asommers@ncd.gov)" asommers@ncd.gov Subject : staff-to-staff report discussion Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: USCCR/NCD staff discussion of reports Time: Sep 14, 2020 11:00 AM Eastern Time (US and Canada) Join Zoom Meeting <https://us02web.zoom.us/j/83071201998?pwd=YlJJaVdTKy81WFJuMGxRNWl0bmZVQ0T09> Meeting ID: 830 7120 1998 Passcode: 933078 One tap mobile +13017158592, 83071201998#,,,,,,0#,,933078# US (Germantown) +13126266799,,83071201998#,,,,,,0#,,933078# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) 855 880 1246 US Toll-free 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free Meeting ID: 830 7120 1998 Passcode: 933078 Find your local number:

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Date : 9/11/2020 4:53:06 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Cc : "Nicholas Bair" nbair@usccr.gov Subject : RE: Quick check-in on 14c report timing My pleasure. Also, in case it helps you to know in advance, we just determined that our key staff are open between 12-3 on 9/17 (the day of the release). From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 2:58 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Great! Thanks so much, Kathy. You, too!

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 11, 2020 1:40 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Quick check-in on 14c report timing Great let's do 11:00. I just sent a calendar invite. Sorry for duplicate emails, but I wanted to make sure you received this. We are really looking forward to talking and hope you and your family have a great weekend! From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:15 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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I completely understand. No apologies necessary. Monday, I could talk at 11:00 AM or 1PM. Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 11, 2020 12:10 PM

<mailto:kculliton-gonzalez@usccr.gov>

To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Quick check-in on 14c report timing Hi Anne, I'm so sorry but we have a Commission meeting now and then I'm tied up until 3-ish. There is a slight chance I can finish my 1:00 Zoom meeting by 1:30. If that works out where can we call you? (And if not what time is good for you on Monday?) Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Friday, September 11, 2020 12:09 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Hi Kathy and Nick - Wonderful! Sorry for my slow response. I'm off today but am ending up working much of the day as it turns out. I cannot commit to 3PM (I will be caring for my toddler by then) but could talk right now if you happen to have availability (and will for another half hour at least). Please let me know. We could keep it as short as needed to fit into your schedules. Thanks and looking forward to chatting, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 10, 2020 2:35 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Quick check-in on 14c report timing Hi Anne, it's great to hear from you. We are excited about our report release on 9/17. We'd be glad to do a staff-to-staff briefing the day of the release, and would like to talk further to coordinate.

<mailto:ASommers@ncd.gov>
<mailto:nbair@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:nbair@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:nbair@usccr.gov>

Are you by any chance free tomorrow at 9 am or 3 pm? Please let us know and then I can send a Zoom link or call you, whichever you prefer. I'm looping in our lead researcher Nick Bair. Thank you again for your interest in our work, and for sharing your expertise with us. -Kathy & Nick From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, September 9, 2020 10:20 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Hi again, Kathy. Circling back just to see if you might have any update on whether there might be a staff-to-staff briefing opportunity on our respective reports. Our AbilityOne modernization report is set for release on October 14, and we'd be glad to do a briefing for your staff and/or Commissioners on that, too. Thanks in advance, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, July 16, 2020 2:50 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Great, here's the link for the virtual briefing tomorrow morning: <https://www.usccr.gov/files/2020-07-08-Sunshine-Act-Meeting-Notice.pdf>

We are also working on a voting right report this summer (slated to be published 10/7), and we have a few other things in the pipeline.

I'll be sure to be in touch about the Subminimum Wages report once I have more information for you.

Best regards, Kathy

<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
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From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, July 16, 2020 2:45:54 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing

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Oh, and P.S. thanks for the heads up about health disparities of the Native American community. We've covered that topic ourselves, so I'm definitely interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, July 16, 2020 2:45 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks so much, Katherine. I understand, as we don't usually do that kind of thing either. Happy to wait. Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, July 16, 2020 2:44 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Hi Anne, This is not something we usually do, but I am consulting internally and will get back to you in early August. Thanks for your patience. -Kathy

PS we have a virtual briefing on Native American health disparities tomorrow, if you're interested.

From: Anne Sommers <ASommers@ncd.gov> Sent: Tuesday, July 14, 2020 8:47:38 AM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Re: Quick check-in on 14c report timing Katherine, Just thinking aloud here... I wonder if it would be possible to consider doing staff-only confidential briefings for one another on our reports shortly before their release so we both have some degree of proficiency with one another's reports prior to their publication? We

<mailto:ASommers@ncd.gov>
<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:ASommers@ncd.gov>

hope to elevate the Civil Rights Commission report on the Hill in connection with our own work in the area and would love to have a handle on its contents day 1 if that's possible. Similarly, you all may be interested in seeing what actions NCD is calling for based on our research findings into more than a year's worth of investigation of the AbilityOne program. Some of the findings are pretty startling, and we look forward to getting that one released in a few months. Let me know what you think of the idea. It seems like it could be a beneficial idea given the overlap of topics to one another. Anne

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:34 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: Quick check-in on 14c report timing Thanks for the quick response, Katherine. Will do on keeping you informed and great intel.

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Wednesday, July 8, 2020 2:19 PM To: Anne Sommers <ASommers@ncd.gov> Subject: Re: Quick check-in on 14c report timing

Hi Anne, it's great to hear from you and I also hope you're doing well.

Our publication is slated for Sept. 17 and is very unlikely to change. (Not that I want to sound inflexible - but we have this voted-upon date that you can rely on)

I'm excited about your AbilityOne report and will share the news that it's coming with others at the Civil Rights Commission. Will you let us know when you decide to publish? I agree it's good to collaborate, and we sincerely appreciate your expertise in this space.

Thanks & take care, Kathy

From: Anne Sommers <ASommers@ncd.gov> Sent: Wednesday, July 8, 2020 2:08:42 PM To: Katherine Culliton-Gonzalez Subject: [EXTERNAL] Quick check-in on 14c report timing

<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>

mailto:kulliton-gonzalez@usccr.gov
mailto:ASommers@ncd.gov
mailto:ASommers@ncd.gov

Hi Katherine -- Hope all is well with you during this strange new normal we're all in together. I'm writing with a quick query I'm hoping you can help me with. NCD has just approved a comprehensive report on the AbilityOne program and it will be entering professional edits and layout, which usually runs us a couple months' time. I understand that the Commission's 14c report is anticipated in September, but I wonder if you have a greater sense of timing within that range. I ask because I believe it would be advantageous for purposes of attention as well as momentum as well as seeking to avoid information overload to space the report releases out just a little. So if yours were due out September, we might hold ours until mid- October, for instance. At this point, this is merely my own musings -- I wanted to get a bit of information from you before making a recommendation on my end regarding our release date. Any information you can provide as to your plans would be a huge help. Thanks so much, Katherine. Anne

Anne C. Sommers

Director of Legislative Affairs and Outreach

National Council on Disability (NCD)

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Date : 9/13/2020 3:21:04 PM From : "Katherine Culliton-Gonzalez" kulliton-gonzalez@usccr.gov To : "Jose Perez" jperez@latinojustice.org Subject : RE: THREE DAYS AWAY! LatinoJustice's September 15th Latina Trailblazers Celebration Attachment : image001.jpg;image002.png;image003.png;image004.png;image005.png;image006.png; Hi Jose, I wish I could attend this fantastic event, but I have a conflict on Tuesday. I'd love to catch up soon. Thanks for all you do! -Kathy From: Jose Perez <jperez@latinojustice.org> Sent: Saturday, September 12, 2020 2:10 PM To: Katherine Culliton-Gonzalez <kulliton-gonzalez@usccr.gov> Subject: [EXTERNAL] FW: THREE DAYS AWAY! LatinoJustice's September 15th Latina Trailblazers Celebration

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Jose Perez Deputy General Counsel D: 212.219.3360

475 Riverside Drive, Suite 1901 New York, New York 10115

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From: <communications@latinojustice.ccsend.com> On Behalf Of Juan Cartagena Sent: Saturday, September 12, 2020 12:02 PM Subject: THREE DAYS AWAY! LatinoJustice's September 15th Latina Trailblazers Celebration

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<mailto:communications@latinojustice.ccsend.com>

To celebrate our 2020 honorees, we're hosting A Conversation Among the Trailblazers,

featuring a powerhouse lineup of Latinas who are not only change-makers but also actively working to create a more just society. We hope you can join us this upcoming Tuesday,

September 15 for this sure-to-be inspiring discussion.

Meet the Fabulous 2020 Trailblazers

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Thank you to our 2020 Committee: Claudia Marmolejo, Executive Director, Morgan Stanley Smith Barney, LLC

Cid Wilson, President & CEO, Hispanic Association for Corporate Responsibility Natasha Lycia Ora Bannan, Senior Counsel, LatinoJustice

Christine Rickoff-Tirado, Development Manager, LatinoJustice

RSVP to our 2020 Latina Trailblazers Celebration

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https://url.emailprotection.link/?bUuq97K9e0RLnGHmrktuEASG1L-paN58JlUyTBW9Zv7ZSpKln5l_p7Xqto3KHPSVY1O7f61S4ZMmuS3dT6gNlZzSKBGNKcwmNGIP9DFuzXn8YRf7oJhdhyDOHLLkQqxxngox6SQBCACZ3RtUrpIQ-uPLPYbr2BJ0AyKR2sbVgJum2DmwUEJ06Hk48bshVUO7HzbCGkku77-vyidum4YrEm2lq-7JxrYg7RJA0psJcuBWP3dv4csH4kaH9gJ_729lodmtOgWsuUBafodSICBbqtZWFtwqL-prt2ITX4Kg5QPcSGZY-nDpRgWXE7YzRsX6U5bkb8-dBFbHvh7aMnHU0eZ01rFp8hPihVxZ4Jd5ogxvz7bEUdArnWIREeKXz-qEUTmoWicnXpMwKMs06L_2p3pTM3SOqxE8n710-

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https://url.emailprotection.link/?bhNnUGGTQ9phqcD7W25pcszga-XUHfRQ08IPN8b8iso5tdktWF0C13a_CssAnGK5WzkGfZSNwWghxbrP4j8TaV3CmLwMPb5_kjxam_kCU8rX2XHxAPvLl68M2pyXjvqM

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Date : 9/17/2020 9:23:34 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Subject : RE: USCCR 14c report briefing (staff to staff) Here is a radio hit about the report: <https://www.npr.org/2020/09/17/912840482/u-s-agency-urges-end-to-below-minimum-wage-for-workers-with-disabilities> From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 9:21 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Fw: USCCR 14c report briefing (staff to staff)

CAUTION: This email is from outside USCCR.

Hi Katherine, Congrats on reaching your big day with the report!

I need to reconfirm that we're on for 1PM today and not 2PM. Folks on our end are anticipating 1PM, but I'm fielding some questions this morning because of the wording in the calendar item:

Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. (Please ignore the last link – this one has the correct date and time.)

Topic: USCCR/NCD staff discussion of report release - Thursday at 1-2 pm

Time: Sep 17, 2020 02:00 PM Eastern Time (US and Canada)

Please confirm we're a go for 1-2PM. Thanks! Anne

<https://www.npr.org/2020/09/17/912840482/u-s-agency-urges-end-to-below-minimum-wage-for-workers-with-disabilities>
<https://www.npr.org/2020/09/17/912840482/u-s-agency-urges-end-to-below-minimum-wage-for-workers-with-disabilities>

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Date : 9/17/2020 9:26:44 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Anne Sommers (asommers@ncd.gov)" asommers@ncd.gov Cc : "Rukku Singla" rsingla@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "ocre" ocre@usccr.gov, "dalvarez@jd22.law.harvard.edu" dalvarez@jd22.law.harvard.edu, "Shelby Taylor" st5082a@student.american.edu, "Teresa Adams" tadams@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Julie Grieco" jgrieco@usccr.gov Subject : USCCR/NCD staff-to-staff briefing Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: corrected Zoom link for USCCR-NCD discussion Time: Sep 17, 2020 01:00 PM Eastern Time (US and Canada) Join Zoom Meeting <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVjZKNG5aUT09> Meeting ID: 864 0822 2557 Passcode: 540770 One tap mobile +13017158592,,86408222557#,,,,,0#,,540770# US (Germanatown) +16465588656,,86408222557#,,,,,0#,,540770# US (New York) Dial by your location +1 301 715 8592 US (Germanatown) +1 646 558 8656 US (New York) +1 312 626 6799 US (Chicago) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free 855 880 1246 US Toll-free Meeting ID: 864 0822 2557 Passcode: 540770 Find your local number: <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVjZKNG5aUT09> Join by SIP 86408222557@zoomcrc.com Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands)

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<https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVjZKNG5aUT09>
<mailto:86408222557@zoomcrc.com>

213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 864 0822 2557 Passcode: 540770

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Date : 9/17/2020 9:22:14 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Subject : RE: USCCR 14c report briefing (staff to staff) It's 1-2 pm. I'll check that I have the Zoom lined up as sometimes that can be off. From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 9:21 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Fw: USCCR 14c report briefing (staff to staff)

CAUTION: This email is from outside USCCR.

Hi Katherine, Congrats on reaching your big day with the report!

I need to reconfirm that we're on for 1PM today and not 2PM. Folks on our end are anticipating 1PM, but I'm fielding some questions this morning because of the wording in the calendar item:

Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. (Please ignore the last link – this one has the correct date and time.)

Topic: USCCR/NCD staff discussion of report release - Thursday at 1-2 pm

Time: Sep 17, 2020 02:00 PM Eastern Time (US and Canada)

Please confirm we're a go for 1-2PM. Thanks! Anne

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Date : 9/17/2020 9:20:28 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Vincent A. Eng" veng@veng-group.com, "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Amy Royce" aroyce@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "Tina Louise Martin" tmartin@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Nicholas Bair" nbair@usccr.gov Subject : RE: U.S. Agency Urges End To Below-Minimum Wage For Workers With Disabilities Will share with NCD From: Vincent A. Eng <veng@veng-group.com> Sent: Thursday, September 17, 2020 8:54 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Amy Royce <aroyce@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] NPR: U.S. Agency Urges End To Below-Minimum Wage For Workers With Disabilities

CAUTION: This email is from outside USCCR.

NPR: U.S. Agency Urges End To Below-Minimum Wage For Workers With Disabilities Interview & Article: <https://www.npr.org/2020/09/17/912840482/u-s-agency-urges-end-to-below-minimum-wage-for-workers-with-disabilities> Vincent A. Eng VENG GROUP O +1 202 499 7027, x 101 M +1 703 981 6636 F +1 202 499 7030 veng@veng-group.com

https://url.emailprotection.link/?bvlNghlruySTTmsmq-3fmbFYtpnSPQLnPCsJrZmJ_FtyYKyc4d7CzN5VslVqx5eEqOKwx9IRicPIF0K1FPAzAaBli2GU44B7JC_-Cat4KpasLPjhOiv-SayKjYuvuqQ86_zEuSZ23ZzDaM5quaju1kEuokn7orfp0uGpHbkB4-
https://url.emailprotection.link/?bvlNghlruySTTmsmq-3fmbFYtpnSPQLnPCsJrZmJ_FtyYKyc4d7CzN5VslVqx5eEqOKwx9IRicPIF0K1FPAzAaBli2GU44B7JC_-Cat4KpasLPjhOiv-SayKjYuvuqQ86_zEuSZ23ZzDaM5quaju1kEuokn7orfp0uGpHbkB4-
<mailto:veng@veng-group.com>

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Date : 9/17/2020 10:21:26 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu Cc : "Julie Grieco" jgrieco@usccr.gov Subject : RE: MM Ch 3 edits Thanks both – and if I may add, citing to the U.S. Code will get us to the current law, so please cite to the U.S. Code as discussed. From: Nicholas Bair <nbair@usccr.gov> Sent: Thursday, September 17, 2020 10:20 AM To: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: RE: MM Ch 3 edits Hi Diego, Thanks for uncovering this. I think explaining the difference between the current law and the proposed amendments in the Act is valuable analysis that should be included in our report. Could you draft some language explaining what the current law says and how the proposed legislation differs in scope? Does the proposed legislation simply permit the Secretary to study racial disparities, or does it require the Secretary to study these issues? Does the law or legislation change reporting requirements to Congress (either adding them or reducing them, if any existed in the first place)? The text does not have to be long, just a few sentences with appropriate citations to the current law and proposed legislation. Let me know if you have any questions. Many thanks! Nick From: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Sent: Wednesday, September 16, 2020 10:42 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: MM Ch 3 edits

CAUTION: This email is from outside USCCR.

Hi Nick,

I hope you're having a great week so far! If it's alright, I wanted to ask you something

- <mailto:dalvarez@jd22.law.harvard.edu>
- <mailto:nbair@usccr.gov>
- <mailto:jgrieco@usccr.gov>
- <mailto:kculliton-gonzalez@usccr.gov>
- <mailto:kculliton-gonzalez@usccr.gov>

relating to the research I'm doing for you. Looking through the "Preventing Maternal Deaths Act," I've found that the Act's amendments do not themselves add anything directly relating to racial disparities in maternal health.

However, when comparing the older version of 42 U.S.C. § 247b–12 to the current version with the PMDA's amendments, what I've noticed is that the amendments supplement the existing provisions to expand research to understand more about the maternal health disparities.

Do you think that the expanded research authority is enough to note in the report? I think the argument is there for it, with my only biggest concern being that there is no real "enforcement" happening, simply empowering the HHS secretary with a greater scope of research.

Let me know what you think, and if you want me to write some language, just say the word and I can have it to you tomorrow!

Warmly, Diego

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Date: Tuesday, September 15, 2020 at 1:56 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>, Diego Galeazzi Alvarez <dalvarez@jd22.law.harvard.edu> Subject: MM Ch 3 edits Hi Nick, Please see the attached edits in Ch. 3. Thanks, K.

- <mailto:kculliton-gonzalez@usccr.gov>
- <mailto:nbair@usccr.gov>
- <mailto:jgrieco@usccr.gov>
- <mailto:dalvarez@jd22.law.harvard.edu>

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Date : 9/17/2020 10:51:11 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Anne Sommers (asommers@ncd.gov)" asommers@ncd.gov Cc : "Rukku Singla" rsingla@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "ocre" ocre@usccr.gov, "dalvarez@jd22.law.harvard.edu" dalvarez@jd22.law.harvard.edu, "Shelby Taylor" st5082a@student.american.edu, "Teresa Adams" tadams@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Julie Grieco" jgrieco@usccr.gov Subject : USCCR/NCD staff-to-staff briefing Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: corrected Zoom link for USCCR-NCD discussion Time: Sep 17, 2020 01:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09 Meeting ID: 864 0822 2557 Passcode: 540770 One tap mobile +13017158592,,86408222557#,,,,,,0#,540770# US (Germantown) +16465588656,,86408222557#,,,,,,0#,540770# US (New York) Dial by your location +1 301 715 8592 US (Germantown) +1 646 558 8656 US (New York) +1 312 626 6799 US (Chicago) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) 877 369 0926 US Toll-free 833 548 0276 US Toll-free 855 880 1246 US Toll-free Meeting ID: 864 0822 2557 Passcode: 540770 Find your local number: https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09 Meeting ID: 864 0822 2557 Passcode: 540770

- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>
- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>
- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>
- <mailto:86408222557@zoomcrc.com>

213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 864 0822 2557 Passcode: 540770

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Date : 9/17/2020 12:53:57 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Nicholas Bair" nbair@usccr.gov, "Anne Sommers (asommers@ncd.gov)" asommers@ncd.gov, "Angelia Rorison" arorison@usccr.gov Cc : "Rukku Singla" rsingla@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "ocre" ocre@usccr.gov, "dalvarez@jd22.law.harvard.edu" dalvarez@jd22.law.harvard.edu, "Shelby Taylor" st5082a@student.american.edu, "Teresa Adams" tadams@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Julie Grieco" jgrieco@usccr.gov Subject : RE: USCCR/NCD staff-to-staff briefing Please feel free to join -----Original Appointment----- From: Katherine Culliton-Gonzalez Sent: Monday, September 14, 2020 12:42 PM To: Katherine Culliton-Gonzalez; Nicholas Bair; Anne Sommers; Angelia Rorison Cc: Rukku Singla; Mauro Morales; ocre; dalvarez@jd22.law.harvard.edu; Shelby Taylor; Teresa Adams; Marik Xavier-Brier; Latrice Foshee; Julie Grieco Subject: USCCR/NCD staff-to-staff briefing When: Thursday, September 17, 2020 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada). Where: PLEASE USE THE CORRECTED ZOOM LINK (OR PHONE LINE) FROM 1-2 TODAY. Please join by Zoom link or by phone as per instruction below, Thursday at 1-2 pm - Anne please feel free to share with NCD staff Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: corrected Zoom link for USCCR-NCD discussion Time: Sep 17, 2020 01:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09 Meeting ID: 864 0822 2557 Passcode: 540770 One tap mobile +13017158592,,86408222557#,,,,,,0#,540770# US (Germantown) +16465588656,,86408222557#,,,,,,0#,540770# US (New York) Dial by your location +1 301 715 8592 US (Germantown) +1 646 558 8656 US (New York) +1 312 626 6799 US (Chicago) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) 877 369 0926 US Toll-free

- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>
- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>

833 548 0276 US Toll-free 833 548 0282 US Toll-free 855 880 1246 US Toll-free Meeting ID: 864 0822 2557 Passcode: 540770 Find your local number: https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09 Meeting ID: 864 0822 2557 Passcode: 540770 Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 864 0822 2557 Passcode: 540770

- <https://us02web.zoom.us/j/86408222557?pwd=d1NYc1ova2JmYW10QzBoVVZKNG5aUT09>
- <mailto:86408222557@zoomcrc.com>

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Date : 9/17/2020 1:52:30 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Cc : "Nicholas Bair" nbair@usccr.gov Subject : RE: Being asked for a meeting password? Glad it worked out. That was very interesting and I hope it was helpful to you all, but I wanted to say it was probably most helpful to us to hear such a positive reaction. Also, there weren't a lot of questions but again, please do not hesitate to ask us any questions going forward. I'm copying Nick since he's going to field them. Thank you again, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 12:57 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

Fourth time was the charm!

From: Anne Sommers Sent: Thursday, September 17, 2020 12:53 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Being asked for a meeting password? Hi Katherine, I'll try again in case it a user error on my end, but I'm trying to join by phone and got through the meeting ID and passcode but then didn't have a password to enter.... Anne

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Date : 9/17/2020 3:21:17 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Julie Grieco" jgrieco@usccr.gov, "Nicholas Bair" nbair@usccr.gov Cc : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : RE: MM Ch 3 edits Thanks so much, Julie! This is a very helpful contribution! From: Julie Grieco <jgrieco@usccr.gov> Sent: Thursday, September 17, 2020 3:11 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Nicholas Bair <nbair@usccr.gov> Cc: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Subject: RE: MM Ch 3 edits Hi Nick, I'm attaching my version of the report, with edits made to Chapters 1, 2, and 4. I wanted to get this to you as soon as possible since there are a few outstanding comments in Chapter 4 to address, as well as to allow time to incorporate the Ch 3 work you and Diego have been doing. I also went ahead and changed the order of the states in Ch. 4 as requested. Let me know if you have any questions! Julie From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 10:21 AM To: Nicholas Bair <nbair@usccr.gov>; Diego Alvarez <dalvarez@jd22.law.harvard.edu> Cc: Julie Grieco <jgrieco@usccr.gov> Subject: RE: MM Ch 3 edits Thanks both – and if I may add, citing to the U.S. Code will get us to the current law, so please cite to the U.S. Code as discussed. From: Nicholas Bair <nbair@usccr.gov> Sent: Thursday, September 17, 2020 10:20 AM To: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: RE: MM Ch 3 edits Hi Diego, Thanks for uncovering this. I think explaining the difference between the current law and the proposed amendments in the Act is valuable analysis that should be included in our report. Could you draft some language explaining what the current law says and how the proposed legislation differs in scope? Does the proposed legislation simply permit the

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<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

Secretary to study racial disparities, or does it require the Secretary to study these issues? Does the law or legislation change reporting requirements to Congress (either adding them or reducing them, if any existed in the first place)? The text does not have to be long, just a few sentences with appropriate citations to the current law and proposed legislation. Let me know if you have any questions. Many thanks! Nick From: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Sent: Wednesday, September 16, 2020 10:42 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: MM Ch 3 edits

CAUTION: This email is from outside USCCR.

Hi Nick,

I hope you're having a great week so far! If it's alright, I wanted to ask you something relating to the research I'm doing for you. Looking through the "Preventing Maternal Deaths Act," I've found that the Act's amendments do not themselves add anything directly relating to racial disparities in maternal health.

However, when comparing the older version of 42 U.S.C. § 247b-12 to the current version with the PMDA's amendments, what I've noticed is that the amendments supplement the existing provisions to expand research to understand more about the maternal health disparities.

Do you think that the expanded research authority is enough to note in the report? I think the argument is there for it, with my only biggest concern being that there is no real "enforcement" happening, simply empowering the HHS secretary with a greater scope of research.

Let me know what you think, and if you want me to write some language, just say the word and I can have it to you tomorrow!

Warmly, Diego

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Date: Tuesday, September 15, 2020 at 1:56 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>, Diego Galeazzi Alvarez <dalvarez@jd22.law.harvard.edu> Subject: MM Ch 3 edits

<mailto:dalvarez@jd22.law.harvard.edu>
<mailto:nbair@usccr.gov>
<mailto:jgrieco@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
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<mailto:nbair@usccr.gov>
<mailto:jgrieco@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>

Hi Nick, Please see the attached edits in Ch. 3. Thanks, K.

1087.pdf

1087.pdf

Date : 9/17/2020 3:23:59 PM From : "Katherine Culliton-Gonzalez" <kculliton-gonzalez@usccr.gov> To : "Anne Sommers" <ASommers@ncd.gov> Cc : "Nicholas Bair" <nbair@usccr.gov> Subject : RE: Being asked for a meeting password? Hi Anne, These are great questions. Could I give you a call to respond some time tomorrow morning? If yes what time and what number? Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 3:04 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

Hi Kathy - Yes, we're an interesting bunch. ♦ My apologies for not thinking about forewarning you about CART. It's so baked into the cake for our meetings, that many times, we don't think of giving others' heads up about it since it "happens in the background," so to speak. But I'm sorry if it threw you for a loop as the call started. Thank you so very much for making the briefing opportunity open for us. It was great to get a thumbnail sketch of the report contents. I am curious on the dissemination side how you guys typically handle Hill dissemination of your reports and follow-up? Do you anticipate organizing a Hill briefing on this report, targeted or otherwise? Finally, I'm curious to learn how your Commission sets its agenda for future topic matter. I'm sure we'll all have some more questions for you as we get through the report, and I won't hesitate to route them your way. Best, and thanks again, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 1:52 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Being asked for a meeting password?

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:ASommers@ncd.gov>
<mailto:nbair@usccr.gov>

Glad it worked out. That was very interesting and I hope it was helpful to you all, but I wanted to say it was probably most helpful to us to hear such a positive reaction. Also, there weren't a lot of questions but again, please do not hesitate to ask us any questions going forward. I'm copying Nick since he's going to field them. Thank you again, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 12:57 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

Fourth time was the charm!

From: Anne Sommers Sent: Thursday, September 17, 2020 12:53 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Being asked for a meeting password? Hi Katherine, I'll try again in case it a user error on my end, but I'm trying to join by phone and got through the meeting ID and passcode but then didn't have a password to enter.... Anne

<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

1090.pdf

1090.pdf

Date : 9/17/2020 3:49:10 PM From : "Katherine Culliton-Gonzalez" <kculliton-gonzalez@usccr.gov> To : "Anne Sommers (asommers@ncd.gov)" <asommers@ncd.gov>, "Nicholas Bair" <nbair@usccr.gov> Subject : Kathy/Anne/Nick call

1091.pdf

1091.pdf

Date : 9/17/2020 3:49:43 PM From : "Katherine Culliton-Gonzalez" <kculliton-gonzalez@usccr.gov> To : "Anne Sommers" <ASommers@ncd.gov> Subject : RE: Being asked for a meeting password? Perfect – just sent an invite – would you like to do Zoom again or where can we call you? From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 3:42 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

I could try for Monday morning but tomorrow's all scheduled up. How's Monday around 9:30 AM look for you?

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 3:23 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Being asked for a meeting password? Hi Anne, These are great questions. Could I give you a call to respond some time tomorrow morning? If yes what time and what number? Thanks, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 3:04 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

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<mailto:nbair@usccr.gov>

reports and follow-up? Do you anticipate organizing a Hill briefing on this report, targeted or otherwise? Finally, I'm curious to learn how your Commission sets its agenda for future topic matter. I'm sure we'll all have some more questions for you as we get through the report, and I won't hesitate to route them your way. Best, and thanks again, Anne

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 1:52 PM To: Anne Sommers <ASommers@ncd.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: RE: Being asked for a meeting password? Glad it worked out. That was very interesting and I hope it was helpful to you all, but I wanted to say it was probably most helpful to us to hear such a positive reaction. Also, there weren't a lot of questions but again, please do not hesitate to ask us any questions going forward. I'm copying Nick since he's going to field them. Thank you again, Kathy From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 12:57 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

Fourth time was the charm!

From: Anne Sommers Sent: Thursday, September 17, 2020 12:53 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Being asked for a meeting password? Hi Katherine, I'll try again in case it a user error on my end, but I'm trying to join by phone and got through the meeting ID and passcode but then didn't have a password to enter.... Anne

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<mailto:ASommers@ncd.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

1093.pdf

1093.pdf

Date : 9/17/2020 6:56:06 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Anne Sommers" ASommers@ncd.gov Subject : RE: Being asked for a meeting password? Yes thanks if you have a conference line that would be great. Thanks! From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 5:22 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

CAUTION: This email is from outside USCCR.

Whatever you most prefer. I'm glad to send around a conference line if you'd like (if Nick will be joining). Otherwise, I can also just call you directly.

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 3:49 PM To: Anne Sommers <ASommers@ncd.gov> Subject: RE: Being asked for a meeting password? Perfect – just sent an invite – would you like to do Zoom again or where can we call you? From: Anne Sommers <ASommers@ncd.gov> Sent: Thursday, September 17, 2020 3:42 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

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Cc: Nicholas Bair <nbair@usccr.gov> Subject: [EXTERNAL] Re: Being asked for a meeting password?

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Fourth time was the charm!

From: Anne Sommers Sent: Thursday, September 17, 2020 12:53 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Being asked for a meeting password? Hi Katherine, I'll try again in case it a user error on my end, but I'm trying to join by phone and got through the meeting ID and passcode but then didn't have a password to enter.... Anne

<mailto:kculliton-gonzalez@usccr.gov>

1106.pdf

1106.pdf

Date : 9/18/2020 10:50:24 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Joan Durocher" JDurocher@ncd.gov Subject : RE: Thank you! Attachment : image003.png; Hi Joan, It was so nice to see you too! The meeting was so formal but I wanted to say hi personally as well! If you wanted to say hi prior to the bus stop reopening (sigh), my cell is (202) 531-8139. I really miss the bus stop times but I'm glad we are all safe. Thanks also for all your agency's contributions to our report. All the best, Kathy From: Joan Durocher <JDurocher@ncd.gov> Sent: Friday, September 18, 2020 10:09 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Thank you!

CAUTION: This email is from outside USCCR.

Hi Kathy, Just a quick hi neighbor!-) It was nice to see you via Zoom yesterday at the USCCR report briefing. I was using captioning so everything was a bit delayed for me, but I got the gist of the report. Congrats on wrapping it up and thank you again for doing the early briefing. Hope all is going well for you around the neighborhood, and with virtual schooling. Sigh. Hope to see you at the bus stop again sometime this year. Take care, --Joan Joan Durocher, General Counsel & Director of Policy National Council on Disability, www.ncd.gov 1331 F. St. NW, Suite 650, Washington, DC 20004 jdurocher@ncd.gov (202) 272-2117 (direct) (202) 272-2004 (main)

<https://url.emailprotection.link/?bEQV1EFWjaurg0DVh8pTEl3j4ONfllWgBIFrcFnScR6CflJ4ahVSuexl2PkJZUGBNdZbLCIERqRsDgkKRyySg~~>
<mailto:jdurocher@ncd.gov>

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1107.pdf

1107.pdf

Date : 9/18/2020 10:54:28 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Joan Durocher" JDurocher@ncd.gov Subject : RE: Thank you! Attachment : image002.png; Sounds good – it would be very nice to see you and your kids, and we are always home these days© From: Joan Durocher <JDurocher@ncd.gov> Sent: Friday, September 18, 2020 10:53 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] RE: Thank you!

CAUTION: This email is from outside USCCR.

Thanks, Kathy. My cell is (703) 627-1125. We'll take a walk up your street to say a socially distanced hi sometime soon! From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Friday, September 18, 2020 10:50 AM To: Joan Durocher <JDurocher@ncd.gov> Subject: RE: Thank you! Hi Joan, It was so nice to see you too! The meeting was so formal but I wanted to say hi personally as well! If you wanted to say hi prior to the bus stop reopening (sigh), my cell is (202) 531-8139. I really miss the bus stop times but I'm glad we are all safe. Thanks also for all your agency's contributions to our report. All the best, Kathy From: Joan Durocher <JDurocher@ncd.gov> Sent: Friday, September 18,

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and with virtual schooling. Sigh. Hope to see you at the bus stop again sometime this year. Take care, --Joan Joan Durocher, General Counsel & Director of Policy National Council on Disability, www.ncd.gov 1331 F. St. NW, Suite 850, Washington, DC 20004 jdurocher@ncd.gov (202) 272-2117 (direct) (202) 272-2004 (main)

The National Council on Disability is an independent federal agency that promotes policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, and empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society. CONFIDENTIALITY NOTICE: This e-mail message and any attachments to this e-mail may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

<https://url.emailprotection.link/?bEOV1EFWjaurQ0DVh8p6TEI3J4ONtWgBfRcFnScR6CflLJ4ahV5uexl2PKJZUGBNdZbLCIERqRsDgkKRYySg-->
<mailto:jdurocher@ncd.gov>

1196.pdf

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Date : 9/22/2020 2:21:23 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : FW: FEMA/PR Memo Attachment : USCCR FEMAPR Memo_docx; Hi Diego, this is a confidential internal memo. Could you take a look at it, and then we can discuss it later this week? Just take a read and then we'll talk about next steps. I'm very busy this week, sorry but I have presentations every day and also 3-4 meetings/day, but I do have time on Friday – could we talk on Friday morning at 11:00 or Friday afternoon at 1:00 ET? Please let me know if that works for you. Thanks, Kathy

Sabrina Rodriguez

FEMA/Puerto Rico Memo

I. Issues

- What civil protections are there for Puerto Ricans or other communities of color to receive effective access to FEMA relief after disasters?
- Do they vary based on territorial or other status (PROMESA)?

II. Facts

The Federal Emergency Assistance Agency's (FEMA) mission is to "help people before, during, and after disasters," like hurricanes, tornadoes, and earthquakes.[footnoteRef:1] FEMA is the federal agency the President has charged with implementing and carrying out major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Act of 1988 (Stafford Act).[footnoteRef:2] This Act amended the Disaster Relief Act of 1974 and President Carter's 1979 Executive Order 12127 merged many of the separate disaster-related responsibilities into the Federal Emergency Management Agency (FEMA).[footnoteRef:3] Congress enacted the Stafford Act to provide "assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from [major] disasters." [footnoteRef:4] The Act is "designed to assist the efforts of States affected by the major disasters in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas." [footnoteRef:5] It is triggered when the Governor of an affected State or Territory determines that the local resources are insufficient to respond to a disaster; based on this request, the President may declare that a major disaster or emergency exists.[footnoteRef:6] If the President does so, he retains discretion to determine and designate the type of assistance available and the areas eligible to receive assistance.[footnoteRef:7] In other words, the President may authorize various forms of "Public Assistance" directed at State and local governments to assist them in performing work to prevent immediate threats to life, as well as various form of "Individual Assistance" that provide assistance directly to individuals impacted by a disaster event.[footnoteRef:8] This Agency is also providing assistance in the COVID-19 pandemic, because the President, on March 13, 2020, declared a nationwide emergency for all States, Territories, and the District of Columbia under the Stafford Act.[footnoteRef:9] [1: Federal Emergency Management Agency, Mission Statement, June 2019, <https://www.fema.gov/about-agency>.] [2: Santos v. Fed. Emergency Mgmt. Agency, 327 F. Supp. 3d 326, 333 (D. Mass. 2018).] [3: Federal Emergency Management Agency, About the Agency, June 2019, <https://www.fema.gov/about-agency>.] [4: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121(b) (1988).] [5: Id. § 5121(a).] [6: Id. § 5170.] [7: Id.] [8: Santos, 327 F. Supp. 3d at 333.] [9: Federal Emergency Management Agency, Coronavirus (COVID-19) Response, April 2020, <https://www.fema.gov/coronavirus/governments>.]

On September 20, 2017, Hurricane Maria crossed Puerto Rico diagonally from southeast to northwest, affecting approximately 3.4 million U.S. citizens who live there.[footnoteRef:10] It was originally a Category 5 hurricane, but it weakened somewhat before its landfall on the Island, causing it to become a Category 4 hurricane due to the eyewall replacement, but it also grew in size.[footnoteRef:11] This hurricane knocked down about 80 percent of the Island's transmission lines, cutting off all electricity, and with it, running water for the majority of the population.[footnoteRef:12] The percent was very high due to the fact that, about two weeks before (September 6), Hurricane Irma passed near the north of the Island and it weakened the transmission lines with its strong winds.[footnoteRef:13] It is estimated that about 2,975 people lost their lives due to the impact of Hurricane Maria.[footnoteRef:14] It was also the third costliest hurricane in United States history.[footnoteRef:15] In August 25, 2017, Hurricane Harvey made landfall in Texas.[footnoteRef:16] It started as a Category 4 hurricane and rapidly weakened over land to a tropical storm; it slowly weakened over land becoming a tropical depression on August 30.[footnoteRef:17] This hurricane is the second-most costly hurricane in U.S. history, behind Katrina (2005); and at least 68 people died from the direct effects of the storm.[footnoteRef:18] FEMA's responses after each natural disaster, on the mainland and the Island, can be compared. [10: Richard J. Pasch, Andrew B. Penny & Robbie Berg, National Hurricane Center Tropical Cyclone Report: Hurricane Maria, National Hurricane Center (Feb. 14, 2019), https://www.nhc.noaa.gov/data/tcr/AL152017_Maria.pdf.] [11: Id.] [12: Frances Robles, Lizette Alvarez & Mary Williams Walsh, Ordinary Life 'Beyond reach' in Puerto Rico, N.Y. Times, Sept. 23, 2017, at A1; Task Force Power Restoration – Puerto Rico, Army Committed to Restoring Puerto Rico's Power, U.S. Department of Defense (Mar. 23, 2018), <https://www.defense.gov/Explore/News/Article/Article/1474579/army-committed-to-restoring-puerto-ricos-power/>.] [13: Id.] [14: Milken Institute School of Public Health The George Washington University, Ascertainment of the Estimated Excess Mortality From Hurricane Maria in Puerto Rico, <https://publichealth.gwu.edu/sites/default/files/downloads/projects/PRstudy/Acertainment%20of%20the%20Estimated%20Excess%20Mortality%20from%20Hurricane%20Maria%20in%20Puerto%20Rico.pdf>.] [15: Richard J. Pasch, Andrew B. Penny & Robbie Berg, National Hurricane Center Tropical Cyclone Report: Hurricane Maria, National Hurricane Center (Feb. 14, 2019), https://www.nhc.noaa.gov/data/tcr/AL152017_Maria.pdf.] [16: National Weather Service, Hurricane Harvey & its Impacts on Southeast Texas (August 25-29, 2017), <https://www.weather.gov/hqx/hurricaneharvey>.] [17: Eric S. Blake & David A. Zelinsky, National Hurricane Center Tropical Cyclone Report: Hurricane Harvey, National Hurricane Center (May 9, 2018), https://www.nhc.noaa.gov/data/tcr/AL092017_Harvey.pdf.] [18: Id.]

At the time Hurricane Maria made landfall in the Island, thousands of FEMA workers were already deployed in Florida and Texas, because of Hurricanes Irma and Harvey. Irma had also devastated the US Virgin Islands, and to aid those islands, FEMA had depleted its Puerto Rico warehouse.[footnoteRef:19] In July 2018, FEMA issued a report assessing the agency's response to the 2017 storm season. According to the report, 2017 storms caused a total of \$265 billion in damage and badly stretched FEMA's capacity to respond.[footnoteRef:20] The Agency was short on personnel, so it had to borrow many workers from other agencies to help it manage the demand for essentials.[footnoteRef:21] The report states that FEMA distributed 130 million meals, which 35 million of them were distributed in Puerto Rico.[footnoteRef:22] However, it also states that the Agency took longer than expected to secure supplies and that it lost track of much of the aid it delivered and who needed it.[footnoteRef:23] It took several days for the first barge carrying food and water to reach the Island, and when it arrived, it was hard to move the aid because many of the Island's truck drivers were grappling with their own storm damage.[footnoteRef:24] The New York Times reported on a draft obtained in advance of the FEMA report.[footnoteRef:25] It noted that the two versions had minor differences. For example, the final version no longer contained a paragraph noting that the Agency had used a five-year-old earthquake and tsunami plan to address the 2017 storms.[footnoteRef:26] [19: Frances Robles, FEMA Was Sorely Unprepared for Puerto Rico Hurricane, Report Says, N.Y. Times (July 12, 2018), <https://www.nytimes.com/2018/07/12/us/fema-puerto-rico-maria.html>.] [20: Id.; Federal Emergency Management Agency, 2017 Hurricane Season FEMA After-Action Report (July 12, 2018).] [21: Id.] [22: Id.] [23: Id.] [24: Id. See FEMA Public Affairs, Overview of Federal Efforts to Prepare for and Respond to hurricane Maria (Nov. 31, 2017), <https://www.fema.gov/blog/2017-09-29/overview-federal-efforts-prepare-and-respond-hurricane-maria>.] [25: Id.] [26: Id.]

Other media sources like the NPR and the PBS series *Frontline* reviewed hundreds of pages of internal documents and emails that reveal the problems of FEMA's response in the Island; and in many ways differentiates from the Agency's published report.[footnoteRef:27] Internal documents showed that the Agency never had 500 generators on the Island before the hurricane, it only had 25, and that it was also out of plastic for its plastic roof program.[footnoteRef:28] When asked about the many delays, FEMA usually responded that it was difficult because it is an island.[footnoteRef:29] However, these logistical problems were not seen after Hurricane George (1998).[footnoteRef:30] Agency records showed that they had fewer than 12,000 tarps on PR, and that they failed in trying to acquire more.[footnoteRef:31] FEMA had numerous problems with the companies it hired to produce tarps; it struggled with contracts to deliver food, diesel and other supplies.[footnoteRef:32] To work on the power grids, federal officials even hired a contractor that didn't have any experience rebuilding grids that distribute power to communities, a company named Fluor.[footnoteRef:33] [27: Laura Sullivan, FEMA Blamed Delays in Puerto Rico on Maria; Agency Records Tell Another Story, NPR (June 14, 2018, 5:00 AM), <https://www.npr.org/2018/06/14/608588161/fema-blamed-delays-in-puerto-rico-on-maria-agency-records-tell-another-story>.] [28: Id.] [29: Id.] [30: Id.] [31: Id.] [32: Id.] [33: Id.]

By September 27, FEMA had requested help and the military was preparing to dispatch its first brigade of soldiers to Puerto Rico[footnoteRef:34] The first soldiers arrived eight days after the hurricane and stayed until mid-November. About 17,000 troops – including active duty, reserves and National guard – were deployed to both Puerto Rico and the U.S. Virgin Islands.[footnoteRef:35] As part of the relief effort, members of Congress (among them Nydia Velázquez, Luis Gutiérrez, and José Serrano) sent a letter to the then Acting Secretary of the U.S. Department of Homeland Security, Elaine Duke, urging the Federal Government to promote the "economic development of every community across the country" because the people of Puerto Rico "have long been denied the same benefits provided to other American citizens." [footnoteRef:36] [34: Corey Dickstein, Pentagon Deploys Army General and More Troops to Lead Hurricane Response on Puerto Rico, Stars and Stripes (Sep. 27, 2017), <https://www.stripes.com/news/pentagon-deploys-army-general-and-more-troops-to-lead-hurricane-response-on-puerto-rico-1.489835>.] [35: Richard Sisk, 3-Star General Leaving Puerto Rico as Recovery Effort Winds Down, Military.com (Nov. 14, 2017), <https://www.military.com/daily-news/2017/11/14/3-star-general-leaving-puerto-rico-recovery-effort-winds-down.html>.] [36: Letter from Nydia M. Velázquez, Luis V. Gutiérrez, José E. Serrano, Darren M. Soto, Adriano Espallat, Joyce Beatty, Norma J. Torres, Joe Crowley, Members of Congress, to Elaine Duke, Acting Secretary, U.S. Department of Homeland Security. (Sep. 25, 2017) (on file with authors).]

The letter asked for a waiver of Federal Matching Requirements and a temporary Jones Act waiver for one year.[footnoteRef:37] Federal regulation requires FEMA to enter into cost-sharing agreements for recovery programs, that is why they were asking for a waiver for any funding tied to disaster aid, emergency repairs and/or restoration.[footnoteRef:38] The Trump administration, in response, indicated that the 100% cost-sharing would continue until June 30, 2018, which was extended by the President for 240 days from the disaster declaration, and granted a 10-day waiver to the Jones Act, which it declined to renew.[footnoteRef:39] The Jones Act, the Marine Merchant Act of 1920, requires that all goods shipped between waterborne ports of the United States be carried by vessels built in the US and owned and operated by Americans.[footnoteRef:40] Loosening these requirements would have allowed the Island to have more access to the needed for disaster and humanitarian relief – like oil for its power plants, food, medicines, clothing, and building supplies.[footnoteRef:41] [37: Id.] [38: Id.] [39: Santos, 327 F. Supp. 3d at 335; Federal Emergency Management Agency, President Donald J. Trump Amends Puerto Rico Disaster Declaration (May 24, 2018), <https://www.fema.gov/news-release/2018/05/24/president-donald-j-trump-amends-puerto-rico-disaster-declaration>.] [40: Jones Act, ch. 145, 39 Stat. 951 (1917).] [41: Id.]

Long before Hurricane Maria, Puerto Rico had been struggling economically for over a decade. The Puerto Rican government was not able to pay its debt of about \$70 billion[footnoteRef:42] and the United States implemented a Financial Oversight and Management Board under the "Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA)" in 2016. [footnoteRef:43] Congress authorized the Board to file for bankruptcy on behalf of Puerto Rico or its instrumentalities, to supervise and modify Puerto Rico's laws and budget "achieve fiscal responsibility and access to the capital markets," and to gather evidence and conduct investigation in support of these efforts.[footnoteRef:44] This Board is in charge of overseeing the debt restructuring and approving fiscal austerity plans to cut the Island's public budget.[footnoteRef:45] The President appointed all seven members of the board and the Governor of PR serves ex officio as an eight member without any voting rights.[footnoteRef:46] Chapter 9 of the United States Bankruptcy Code is only available to municipal governments (such as cities and counties) and public entities under the control or supervision of a local government body of a State, but not a State itself.[footnoteRef:47] The US Bankruptcy Code, as amended in 1984, indicates that the term "State" includes the District of Columbia and Puerto Rico, except for the purpose of defining who is a debtor under Chapter 9.[footnoteRef:48] that is why Congress enacted PROMESA. [42: Fin. Oversight & Mgmt. Bd. v. Aurelius Inv., LLC, No. 18-1334, 2020 WL 2814298, at *19 (U.S. June 1, 2020).] [43: Id.; Puerto Rico Oversight, Management, and Economic Stability Act of 2016, Pub. L. No. 114-187, 130 Stat. 549, 48 U.S.C. § 2101 et seq (2016).] [44: Id. at *4; 130 Stat. 553-55, 558-61, 563-79, 582.] [45: Id.] [46: Id.] [47: 11 U.S.C. § 101(40).] [48: Id. §§ 109(c), 101(52); Laura Rivera, Difícil solución para Puerto Rico sin una ley de bancarrota, Diario Las Américas (July 13, 2015, 12:07 AM) <https://www.diarilasamericas.com/dificil-solucion-puerto-rico-una-ley-bancarrota-n3218433>; Fin. Oversight & Mgmt. Bd., 2020 WL 2814298, at *3.]

Recently, the Supreme Court in the case *Fin. Oversight & Mgmt. Bd. v. Aurelius Inv., LLC*, No. 18-1334, 2020 WL 2814298 (U.S. June 1, 2020) affirmed the authority of PROMESA under the territories clause of the U.S. Constitution and declined to review "the Insular Cases," [footnoteRef:49] which establish the Island's territorial and political status, and their progeny. These "Insular Cases" are a series of US Supreme Court decisions and rulings that explain the status of Puerto Rico under each different Organic Act implemented in the Island, as well as the status of other U.S. territories acquired in the Spanish-American War like the Guam and the Philippines. These cases, which most of them were decided in 1901, made the distinction between incorporated and unincorporated territories. Incorporated territories were those that were deemed to be on the path of statehood like Hawaii and Alaska; on the other hand, unincorporated territories were those that were not on that path like Puerto Rico and Guam, in these the Constitution would apply differently. For instance, *Downes v. Bidwell* created this distinction and the Supreme Court found that PR is a "territory appurtenant and belonging to the US, but not a part of the US within clauses of the Constitution" and the Foraker Act is constitutional, so Congress can tax between the Island and the States because the Uniformity Clause does not apply.[footnoteRef:50]

49: Fin. Oversight & Mgmt. Bd., 2020 WL 2614298, at *12. See e.g., Downes v. Bidwell, 182 U.S. 244, 248-49 (1901); Foraker Act, 31 Stat. 77, c. 191, 48 U.S.C.A. § 731 (1900).]

Another “Insular Case” is *Balzac v. Porto Rico*, 258 U.S. 298 (1922).^[footnoteRef:51] Here the Supreme Court decided that the Jones Act, which extends statutory citizenship to Puerto Ricans, did not guarantee a trial by jury, an inherent aspect of the US Constitution. ^[footnoteRef:52] Therefore, certain provisions of the US Constitution do not apply to unincorporated territories; the Constitution then follows location, not citizenship.^[footnoteRef:53] These decisions have been prolonged, even when it comes to aid received by Puerto Ricans in the Island. In *Harris v. Rosario*, 446 U.S. 651 (1980), it was decided that less aid to Puerto Rican families with dependent children did not violate the Equal Protection Clause because, when it comes to U.S. territories, Congress can discriminate against its citizens if it applies a rational basis review.^[footnoteRef:54] A recent First Circuit case, *United States v. Vaello-Madero*, 956 F.3d 12 (1st Cir. 2020), seems challenge previous decisions holding that as a matter of first impression, excluding Puerto Rico residents from receiving SSI benefits violates equal protection but decided this using a rational basis review.^[footnoteRef:55] The rational basis test is generally used in cases where no fundamental rights or classifications are at issue whilst strict scrutiny is often invoked in equal protection claims. ^[footnoteRef:56] [51: *Balzac v. Porto Rico*, 258 U.S. 298 (1922).] [52: *Id.*; *Jones Act*, ch. 145, 39 Stat. 951 (1917).] [53: *Id.*] [54: *Harris v. Rosario*, 446 U.S. 651 (1980).] [55: *United States v. Vaello-Madero*, 956 F.3d 12 (1st Cir. 2020).] [56: *Strict Scrutiny*, Legal information Institute, Cornell Law School, https://www.law.cornell.edu/wex/strict_scrutiny (last visited June 8, 2020).]

III. Applicable Civil Rights Law/Standards

A. Constitutional and Case Law

1. Substantive Due Process and the Stafford Act

The Fourteenth Amendment, specifically the Due Process Clause, indicates that no state may “deprive of life, liberty, or property, without due process of law.”^[footnoteRef:57] “A violation of substantive due process, for example, occurs only when the government deprives someone of liberty or property; or, to use the current jargon, only when the government works a deprivation of a constitutionally protected interest.”^[footnoteRef:58] To determine whether due process requirements apply, a court must consider the nature of the interest at stake, specifically whether the interest implicated is within the Due Process Clause’s protection.^[footnoteRef:59] [57: U.S. Const. amend. XIV § 1.] [58: *Brennan v. Stewart*, 834 F.2d 1248, 1257 (5th Cir.1988) (holding that the plaintiff has a property interest in the temporary training permit created by certain mandatory language in the Tex.Rev.Civ.Stat.Ann. art. 4566-1.09(a)); *Regents of University of Michigan v. Ewing*, 474 U.S. 214, 223 (1985) (stating that the plaintiff had a property interest in his continued enrollment in the “interflex” program, a 6-year program of study at the University of Michigan, and that dismissal from the program was not arbitrary and capricious since the record showed that the decision to dismiss the student was made conscientiously and with careful deliberation, based on an evaluation of the student’s entire academic career at the university, including his singularly low score on the NBME Part I examination, an examination a student must pass in order to qualify for the final two years of the program).] [59: *Board of Regents v. Roth*, 408 U.S. 564, 571 (1972) (holding that the plaintiff, who was hired as an assistant professor at a state-run university for a fixed term of one year and was not re-hired the following year, had no protected interest in continued employment, as he had completed his contracted term, so there could be no Fourteenth Amendment protection).]

Under section 403 of the Stafford Act, “federal agencies may on the discretion of the President, may provide assistance essential to meeting immediate threats to life and property.”^[footnoteRef:60] Regarding life, the “President may provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering or mitigate severe damage.”^[footnoteRef:61] The Act also mentions precautionary evacuations to save lives before major disasters.^[footnoteRef:62] On the other hand, regarding property, the President, in consultation with the Governor of a State, may provide Federal assistance to individuals and households, from financial assistance to temporary housing. ^[footnoteRef:63] However, it does not use mandatory language when mentioning this assistance, most of the time it uses words like “the President *may*.”^[footnoteRef:64] Therefore, the Act, its regulations, and related agency guidance, do not give rise to mandatory duty.^[footnoteRef:65] [60: 42 U.S.C. § 5170b(a) (1988).] [61: *Id.* § 5170a(5).] [62: *Id.* §§ 5170a(1), 5170a(2), 5192(a)(1), and 5192(b).] [63: *Id.* §§ 5170c, 5174.] [64: *Santos*, 327 F. Supp. 3d at 338; *Armstead v. Nagin*, No. 05-6438, 2006 U.S. Dist. LEXIS 95483, at *14-15 (E.D. La. July 26, 2006) (holding that the Armsteads, the plaintiffs, failed to identify any mandatory duties that President Bush and/or FEMA failed to take; all of the actions of which plaintiffs complain fell under the Stafford Act’s discretionary functions and were therefore barred from review by section 5148 of the Act. Sections like 5170a, 5174(a)(1), 5174(b)(1), 5170b(a) and 5174(e)(2) contain discretionary language, specially phrases such as “the President may” (emphasis added)).] [65: *St Tammany Par. v. FEMA*, 556 F.3d 307, 325-26 (5th Cir. 2009) (holding that the Stafford Act’s discretionary function exception shielded from judicial review FEMA’s decision not to approve funding for further sediment dredging in the parish’s canals because either the Stafford Act nor its implementing regulations created a mandatory duty to dredge, therefore the court affirmed the district court’s dismissal for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1)).]

Substantive due process claims based on life usually fail, especially if they argue that evacuation plans haven’t fully worked, because the First Circuit has found that the Due Process Clause does not provide the right that an evacuation plan should guarantee the safety of all residents.^[footnoteRef:66] In enacting an evacuation plan and in implementing that plan, the state has not deprived any person of life, liberty, or property.^[footnoteRef:67] It has done the opposite, “it has provided some degree of protection, albeit, perhaps, imperfect protection, against a threat to life the source of which threat was not the state,” but a third party or major disaster. ^[footnoteRef:68] [66: *Armstead v. Nagin*, 2006 U.S. Dist. LEXIS 95483, at *33; *Mass. Coal. Of Citizens with Disabilities v. Civil Def. Agency & Office of Emergency Preparedness*, 649 F.2d 71 (1st Cir. 1981) (holding that the plan, which implemented procedures in the event of a nuclear accident, did not violate the equal protection or due process clauses because the plan did not classify evacuees or provide for disparate treatment of those who were to be evacuated or deprive its evacuees of life, liberty, or property without due process of law).] [67: *Mass. Coal. Of Citizens with Disabilities*, 649 F.2d at 77.] [68: *Id.*]

Another substantive due process claim that is often raised is based on property because plaintiffs claim they have been deprived of a property right; they believe the Stafford Act and its regulations create an entitlement to the assistance, benefits and aids FEMA provides.^[footnoteRef:69] This issue was deeply discussed in *Santos v. FEMA*; it is the only known case regarding FEMA’s response in the island of Puerto Rico after Hurricane Maria. The plaintiffs in this case were all individuals who evacuated the island in the aftermath of the hurricane and were seeking to prevent FEMA from terminating the benefits under the Transitional Shelter Assistance (TSA) program for themselves and other similarly situated persons.^[footnoteRef:70] On June 30, 2018, Judge Sorokin entered a Temporary Restraining Order, which the District Judge Hillman continued until August 31, 2018 (allowing the Plaintiffs and the class to stay until checkout time on September 1, 2018) to give an opportunity to brief the issues raised by the Plaintiffs’ complaints and motion for preliminary injunction.^[footnoteRef:71] They were seeking a preliminary injunction and asserted claims for deprivation of their Fifth Amendment Due Process Rights, among other claims.^[footnoteRef:72] The claims are under the Fifth Amendment, other than the Fourteenth because Puerto Rico is a territory, and the Fourteenth Amendment is only applicable to states; also, the claims are against a federal agency. ^[footnoteRef:73] In conclusion, the plaintiffs’ request for a preliminary injunction was denied.^[footnoteRef:74] [69: *Pride v. FEMA*, No. 1:11CV22-HSO-JMR, 2013 WL 6048153 (S.D. Miss. Nov. 15, 2013) (finding that, in accordance with the discretionary language of the Stafford Act, its implementing regulations, and the Fifth Circuit’s decision in *Ridgely*, *Pride*’s claims against FEMA should be dismissed with prejudice because FEMA acted within its discretion when it deactivated and retrieved the travel trailer, the trailer belonged to FEMA, FEMA was not required to continue the leasing of the trailer to *Pride*, gave *Pride* twenty-seven-days-notice before retrieving the trailer, and explained why it was retrieving it); *Ridgely v. FEMA*, 512 F.3d 727 (5th Cir. 2008) (holding that the Stafford Act and its implementing regulations do not create a constitutionally protected property interest in such benefits because FEMA’s authority to provide section 408 financial rental assistance is discretionary and an individual has no right to receive this assistance, even if he satisfies the eligibility criteria or has previously received such benefits. The Fifth Circuit indicated that FEMA could conceivably create an entitlement by narrowing its discretion to provide benefits through its policies and practices and the Court here could not determine whether such had occurred in *Ridgely* because the case was before it on appeal and the record was limited).] [70: *Santos*, 327 F. Supp. 3d at 331-32.] [71: *Id.* at 332.] [72: *Id.*] [73: *Bolling v. Sharpe*, 347 U.S. 497, 498-499 (“the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause as does the Fourteenth Amendment which applies only to the states. But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. These two phrases are not always interchangeable, but discrimination may be so unjustifiable as to be violative of due process”); U.S. Const. amend. V.] [74: *Santos*, 327 F. Supp. 3d at 332.]

TSA is a Public Assistance program authorized under section 403 of the Stafford Act that, among many things, intends to provide sheltering assistance for survivors whose homes are either uninhabitable or inaccessible due to disaster-related damage.^[footnoteRef:75] TSA is provided through direct federal assistance, which means that FEMA implements the sheltering assistance and the program is subject to a cost share with the requesting State or Territory (this program is not provided directly to individuals).^[footnoteRef:76] For TSA to be implemented, it has to be requested by the State or Territory, and to make it available, there has to be a Presidential declaration of a section 403/502 Category B (Emergency Protection Measures) and a section 408 designation.^[footnoteRef:77] The initial period of TSA is usually 5 to 14 days from the date it is authorized by FEMA’s Assistant Administrator for Disaster Assistance.^[footnoteRef:78] This period may be extended, in 14-day intervals, up to 6 months from the date of declaration, but it must be request by the State once again.^[footnoteRef:79] The program ends once the period of assistance interval expires and the State does not request an extension.^[footnoteRef:80] [75: *Id.* at 333-34.] [76: *Id.* at 334; 42 U.S.C. § 5170b(b).] [77: *Santos*, 327 F. Supp. 3d at 334.] [78: *Id.*] [79: *Id.*] [80: *Id.*]

Section 408 of the Stafford Act, on the other hand, authorizes FEMA to provide assistance to individuals and households.^[footnoteRef:81] This so-called “Individual Assistance” (IA) may include financial assistance to rent alternative housing, assistance for repairs to or replacement of homes damaged or destroyed by the disaster, and financial assistance for disaster-related needs such as replacement of personal property.^[footnoteRef:82] Temporary housing assistance (THA) is one form of IA, either in the form of financial assistance to rent housing, which may include the payment of the cost of utilities, and another form is direct assistance by providing units of temporary housing, like trailers and mobile homes.^[footnoteRef:83] [81: 42 U.S.C. § 5174(a)(1).] [82: *Santos*, 327 F. Supp. 3d at 334; 42 U.S.C. § 5174(c), (e).] [83: *Santos*, 327 F. Supp. 3d at 334-335; 42 U.S.C. § 5174(c)(1)(A), (B).]

According to the facts of the case, President Donald J. Trump issued a major disaster declaration the same day the hurricane made landfall on September 20, 2017.^[footnoteRef:84] On October 25, 2017, the Governor of the Island, Ricardo Rosselló, formally requested that FEMA provide TSA for Puerto Ricans.^[footnoteRef:85] It was clear that Puerto Rico would be responsible for the non-federal cost share of all FEMA direct Federal Assistance delivered under the Public Assistance program.^[footnoteRef:86] On October 30, FEMA approved and thereby provided Puerto Ricans displaced by Hurricane Maria short-term sheltering which would last 75 days, from October 31 to January 13.^[footnoteRef:87] On December 23, at the request of the Governor, FEMA agreed to extend TSA through March 20, an additional 66 days.^[footnoteRef:88] On March 8, again at the request of Gov. Rosselló, FEMA extended the program through May 14 (55 days).^[footnoteRef:89] At another request on May 3, FEMA agreed to a final extension until June 30 (47 days).^[footnoteRef:90] According to the letter requesting the extension, part of the reason the Governor was asking for an extension was so that those receiving assistance could stay in the continental US in a fixed location long enough for the children to finish the school year before returning to the Island.^[footnoteRef:91] As of June 30, 2018, the TSA program had provided support for 242 days.^[footnoteRef:92] This District Court extended the program 62 more days, through August 31.^[footnoteRef:93] [84: *Id.* at 335.] [85: *Id.*] [86: *Id.*] [87: *Id.*] [88: *Id.*] [89: *Id.*] [90: *Id.* at 331 (stating that that the TSA program provides direct funding to hotels and motels, which serve as shelters for individuals and families who are forced to evacuate their damaged or destroyed homes due to a natural disaster).] [91: *Id.* at 335.] [92: *Id.*] [93: *Id.*]

Throughout the duration of the TSA program, PR was informed that the program was intended to provide “short-term sheltering.”^[footnoteRef:94] The intended end date for the program (June 30) aligned with the end of the 100% cost share between FEMA and the Island, which was extended by the President for 240 days from the disaster declaration.^[footnoteRef:95] After that date, PR was responsible for covering 10% of the costs of all emergency work, including TSA, and FEMA 90%.^[footnoteRef:96] The Governor did not request an extension beyond June 30, any such extension would have been subject to the new cost-share arrangement of 90%-10%.^[footnoteRef:97] As of August 30, 2018, since the declaration disaster for Hurricane Maria, FEMA had disbursed about \$2.4 billion in Public Assistance grants, over \$1.1 billion for Individual Assistance, and over \$92 million in implementing the TSA program.^[footnoteRef:98] [94: *Id.*] [95: *Id.*] [96: *Id.*] [97: *Id.*] [98: *Id.*]

According to the Court, the Plaintiffs’ substantive due process claim fails because they do not have a recognized liberty or property interest in housing and FEMA’s discontinuation of the TSA program does not shock the conscience. ^[footnoteRef:99] The Judge specifies that in order to prevail on their claim, Plaintiffs must first establish that they have a property interest in continued TSA, which is protected by the Constitution. Property interests stem from independent sources like state and federal statutes; they are not created by the Constitution.^[footnoteRef:100] They are defined by rules that secure certain benefits and that support claims of entitlement to those benefits.^[footnoteRef:101] For a property interest to be found in a governmental benefit, a person “must have more than an abstract need or desire for it, he must have more than a unilateral expectation of it, he must have a legitimate claim of entitlement to it.”^[footnoteRef:102] [99: *Id.* at 336.] [100: *Id.*; *Ridgely*, 512 F.3d at 735; *Blackburn v. City of Marshall*, 42 F.3d 925, 937 (5th Cir. 1995) (affirming the dismissal of Blackburn’s due process claims because he, who is a wrecker service owner, did not have a property interest in having his name in a county’s rotation list because no independent source created such property interest); *Matthews v. Eldridge*, 424 U.S. 319 (1976) (stating that the Secretary of Health, Education, and Welfare recognizes that the interest of an individual in continued receipt of Social Security disability benefits is a statutorily created property interest protected by the Fifth Amendment).] [101: *Santos*, 327 F. Supp. 3d at 336; *Ridgely*, 512 F.3d at 735; *Roth*, 408 U.S. at 577.] [102: *Ridgely*, 512 F.3d at 735; *Roth*, 408 U.S. at 577.]

The “mere existence of a governmental program or authority empowered to grant a particular type of benefit to one such as the plaintiff does not give the plaintiff a property right, protected by the due process clause, to receive the benefit, absent some legitimate claim of entitlement—arising from statute, regulation, contract, or the like—to the benefit.”^[footnoteRef:103] [103: *Ridgely*, 512 F.3d at 735; *Blackburn*, 42 F.3d at 941.]

The Plaintiffs claimed that since they were found eligible for assistance under the TSA program, they were “entitled” to THA benefits and “entitled” to the continuation of TSA until they were fully transitioned to THA.^[footnoteRef:104] They seconded their argument by citing to *Ass’n of Cmty. Orgs. For Reform Now, Inc. v. Fed. Emergency Mgmt. Agency*, 463 F.Supp.2d 26 (D.C. 2006).^[footnoteRef:105] In that case, the court granted injunctive relief to evacuees of Hurricane Katrina and Rita whose TSA benefits had been terminated and had been denied THA benefits.^[footnoteRef:106] That court held that the evacuees had a “protectable property right in the housing assistance administered by FEMA which cannot be deprived without due process of law.”^[footnoteRef:107] Unfortunately, it was noted that this case was overturned when appealed in the D.C. Circuit Court of Appeals.^[footnoteRef:108] The D.C. Circuit stated that the plaintiffs were unlikely to succeed on their claim that they had a property right to the benefits, which prevented the court from upholding the district court’s injunction.^[footnoteRef:109] [104: *Santos*, 327 F. Supp. 3d at 337; *Ass’n of Cmty. Orgs. For Reform Now, Inc. v. Fed. Emergency Management Agency*, 463 F.Supp.2d 26 (D.C. 2006).] [105: *Id.*] [106: *Ass’n of Cmty. Orgs. For Reform Now, Inc.*, 463 F.Supp.2d 26.] [107: *Id.*] [108: *Ass’n of Cmty. Orgs. For Reform Now, Inc. v. Fed. Emergency Management Agency*, Nos. 06-5403, 06-5412, 2007 U.S. App. LEXIS 929 (D.C. Cir. Jan. 16, 2007).] [109: *Id.*]

The Court in *Santos* decided that the language in the Stafford Act is discretionary. The language contains a permissive grant of authority to FEMA to provide assistance. This court relies on other courts who have held that neither the language of the Stafford Act nor the implementing regulations use mandatory language.^[footnoteRef:110] The Court also noted that the Governor of Puerto Rico did not request an extension for the TSA program; and that if the Court had decided that the plaintiffs were entitled to continued TSA benefits, it would be requiring Puerto Rico to incur monetary obligations that it had not agreed to take on. It was decided that even though the plaintiffs had been deemed eligible for assistance under the TSA program, that does not create a property interest in continued assistance under that program.^[footnoteRef:111] [110: See *Ridgely*, 512 F.3d at 735-36; see also *Pride*, 2013 WL 6048153, at *4 (repeating that section 408 direct housing benefits are also granted at FEMA’s discretion, so even if *Pride* met the eligibility requirement to receive a FEMA trailer, FEMA was not required to lease him one or to renew his lease); *Cf. Konashenko v. Fed. Emergency Mgmt. Agency*, No. 12-CV-3034 SJF WDW, 2014 WL 1761346, at *8 (E.D.N.Y. Apr. 29, 2014) (holding that there is no protected property interest in the benefits because FEMA had discretion to decide whether to award Konashenko funds for the sea wall destroyed by Tropical Storm Irene and she had no reasonable expectation that she would get the benefit).] [111: *Santos*, 327 F. Supp. 3d at 338-39.]

To establish a “substantive due process claim, a plaintiff must demonstrate an ‘abuse of government power that shocks the conscience’ or ‘action that is legally irrational in that it is not sufficiently keyed to any legitimate state interests.”^[footnoteRef:112] The Court decided that the plaintiffs also failed to show this because they could not establish that FEMA’s discontinuance of their TSA benefits “shocked the conscience.”^[footnoteRef:113] Their claims did not involve a “level of abuse of power...” “so brutal” and “offensive” that they do not comport with traditional ideas of fair play and decency.”^[footnoteRef:114] In conclusion, it was held that the plaintiffs failed to establish that they had a protected property interest under the Stafford Act.^[footnoteRef:115] [112: *Id.* at 340 (citing *Collins v. Nuzzo*, 244 F.3d 246, 250 (1st Cir. 2001)).] [113: *Id.*] [114: *Id.* at 340-41 (relying on the test used in *Avalos v. City of Glenwood*, 382 F.3d 792, 800 (8th Cir.2004)).] [115: *Id.* at 340.]

There are no Supreme Court decisions on this issue, but other court decisions seem to support the *Santos* decision. The United States Court of Appeals for the Fifth Circuit is the circuit that has heard the most cases regarding similar issues.^[footnoteRef:116] This has to do with the fact that this Circuit encompasses an area (Louisiana, Mississippi and Texas) that has been affected by hurricanes in the past like Hurricane Katrina (2005), Hurricane Rita (2005) and Hurricane Harvey (2017). The only case that held that the plaintiffs did have a property right is *McWaters v. Fed. Emergency Mgmt. Agency*, 436 F. Supp. 2d 802 (E.D. La. 2006).^[footnoteRef:117] In this case, the Court found that “under the

Use, by virtue of the automatic, non-discretionary nature of FEMA's provision of assistance as found in both practice and the Stafford Act and its implementing regulations, persons who qualify as eligible to have a constitutionally protected property interest in receipt of housing assistance.[footnoteRef:118] When compared to other cases, this Court literally decided the opposite. However, one should take in consideration that this case was decided in 2006 and it wasn't appealed. The other cases where it was held that there was no property right were decided on later dates and where appealed, like *Ridgely* in 2008, *Pride* in 2013, and *Bishop* in 2014.[footnoteRef:119] The Court in *Bishop* even noted that *McWaters* was no longer good law after the Fifth Court's decision in *Ridgely*. [footnoteRef:120] This Court concluded that even if the Government had established a pattern or practice of providing assistance to certain qualified individuals, this does not make its decision to initially provide shelter any less voluntary. [footnoteRef:121] This Court also cited *In re FEMA Trailer Formaldehyde Prods. Liab. Litig.*, No. MDL 071873, 2008 WL 5423488, at *23 (E.D. La. Dec. 29, 2008), which had stated that: [116: See *Ridgely*, 512 F.3d 727; see also *Bishop v. City of Galveston*, 595 F. App'x 372, 375 (5th Cir. 2014) (holding that the owners did not have a constitutionally-protected property interest in the funds authorized pursuant to the Stafford Act and the federal Hazard Mitigation Grant Program (HMGP) because nothing in the Stafford Act statute or regulations "dictates that qualified property owners are entitled to participate in the program or limits the State's discretion in determining a property owner's qualifications for the program or reviewing those qualifications at any time in the process").] [117: *McWaters v. Fed. Emergency Mgmt. Agency*, 436 F. Supp. 2d 802 (E.D. La. 2006)]. [118: Id. at 818 ("...the mandatory and non-discretionary policies and regulations under the Stafford Act which require FEMA to automatically provide assistance to all applicants deemed eligible creates a reasonable expectation of the benefit of federal disaster assistance in these applicants, and this expectation rises to the level of a property interest protectable under the Due Process Clause; there is, therefore, a "legitimate claim of entitlement").] [119: E.g., *Ridgely*, 512 F.3d 727. See *Pride*, 2013 WL 6048153; see also, *Bishop*, 595 F. App'x 372.] [120: *Bishop v. City of Galveston, Tex.*, No. CIV.A.H-11-4152, 2013 WL 960531, at *12 (S.D. Tex. Mar 12, 2013), *aff'd sub nom. Bishop v. City of Galveston*, 595 F. App'x 372 (5th Cir. 2014).] [121: Id.]

As for the applicability of the *McWaters* case to the scenario before this Court, it should be noted that the Fifth Circuit recently held that the Stafford Act, and its accompanying regulations governing the Individual Assistance housing program, even for persons who qualify for housing assistance, does not, in and of itself, create an entitlement to housing assistance.[footnoteRef:122] [122: Id. (citing *In re FEMA Trailer Formaldehyde Prod. Liab. Litig.*, No. MDL 071873, 2008 WL 5423488, at *23 (E.D. La. Dec. 29, 2008)).]

McWaters is mostly cited for its test in determining if there is a property right, not for its decision. As mentioned before, property interests are created and defined "by existing rules or understandings that secure certain benefits and that support claims of entitlement to those benefits." [footnoteRef:123] The test used consists of three steps. First, the Court must determine whether it has jurisdiction and whether the plaintiff's due process claims are reviewable. [footnoteRef:124] Second, if so, the Court must determine whether any protectable property interest exists. [footnoteRef:125] Finally, if any interest exists, the Court must weigh whether the plaintiff has demonstrated that a deprivation has occurred. [footnoteRef:126] In this case, whether FEMA has acted unconstitutionally regarding this interest, or whether any denial or deprivation by FEMA is rationally related to a legitimate governmental interest. [footnoteRef:127] "The question is only whether a rational relationship exists between the policy and a conceivable legitimate objective. If the question is at least debatable, there is no substantive due process violation." [footnoteRef:128] In determining whether a statute or regulation creates a constitutionally protected property interest, the Court must determine whether the statute places "substantive limitations on official discretion." [footnoteRef:129] They do so if they contain "explicitly mandatory language," mandatory meaning that there are specific directives to the decisionmaker that if an issue is present, a particular outcome must follow. [footnoteRef:130] [123: *McWaters*, 436 F. Supp. 2d at 814; *Roth*, 408 U.S. at 577.] [124: *McWaters*, 436 F. Supp. 2d at 815.] [125: Id.] [126: Id.] [127: Id.] [128: Id.] [129: Id. at 816; *Washington Legal Clinic for the Homeless v. Barry*, 107 F.3d 32, 36 (D.C. Cir. 1997) (citing *Olim v. Wakinekona*, 461 U.S. 238, 249 (1983)); *Tarpeh-Doe v. United States*, 904 F.2d 719, 722 (D.C. Cir. 1990).] [130: Id.; *Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 463 (1989).]

In *Goldberg v. Kelly*, 397 U.S. 254, 262, the Supreme Court held that because persons meeting eligibility criteria automatically qualified for benefits, those individuals deemed eligible had a protected property interest in the receipt of those benefits. [footnoteRef:131] However, where a final determination of which eligible individuals receive benefits is left to the "unfettered discretion" of administrators, no constitutionally protected property interest exists. [footnoteRef:132] In the case of FEMA and disasters like hurricanes, if people were automatically qualified for benefits, then the decision would be like in *Goldberg*, but if FEMA has discretion to choose on whom to assist, then no protected interest exists, like in *Washington Legal Clinic*. In *Washington Legal Clinic*, the D.C. Circuit Court of Appeals held that "although certain objective eligibility criteria was used by the District of Columbia when approving homeless families for an emergency shelter program, the expectation of such assistance was insufficient to create a property interest." [footnoteRef:133] Also, this was decided, because the city administrators had "unfettered discretion" of the allocation of the limited shelter available to eligible families. [footnoteRef:134] [131: Id. at 816. See *Goldberg v. Kelly*, 397 U.S. 254, 262 (1970).] [132: Id. See *Roth*, 408 U.S. at 567; *Washington Legal Clinic for the Homeless*, 107 F.3d at 32.] [134: Id.]

In every case after *McWaters*, it was decided that FEMA retains absolute discretion as to the receipt, termination and continuance of Stafford Act benefits under Section 403 and 408. Most importantly, the Court in *Ridgely* saw a significant difference between the plaintiff's alleged property rights to Section 408 benefits and those rights belonging to the plaintiffs in *Mathews v. Eldridge*, 424 U.S. 319 (1976) (social security disability benefits), *Goldberg v. Kelly*, 397 U.S. 254 (1970) (welfare), *Thompson v. Washington*, 497 F.2d 626 (D.C. Cir. 1973) (public housing) and *Caulder v. Durham Housing Authority*, 433 F.2d 998 (4th Cir. 1970) (public housing). [footnoteRef:135] The Stafford Act's language is not mandatory, but instead, discretionary; it contains a permissive grant of authority to FEMA through the President to provide rental assistance, like "FEMA may provide assistance to individuals and households who qualify for such assistance." [footnoteRef:136] No specific directives limit FEMA's discretion by compelling it to provide assistance upon a showing of eligibility. [footnoteRef:137] [135: *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Thompson v. Washington*, 497 F.2d 626 (D.C. Cir. 1973); *Caulder v. Durham Housing Authority*, 433 F.2d 998 (4th Cir. 1970).] [136: *Ridgely*, 512 F.3d at 736; 42 U.S.C. § 5174(a)(1).] [137: *Ridgely*, 512 F.3d at 736.]

Also, the continuance of 403 or 408 benefits is not a protected property right. In *Goldberg and Mathews*, the Supreme Court did not explain in detail why the plaintiffs in these cases possessed property interests in the continued receipt of benefits. [footnoteRef:138] The plaintiffs in these cases only had this interest in continuing benefits because independent sources governing the programs entitled them to recurring payments upon an initial showing of eligibility, by independent sources, they mean statutes or regulations. [footnoteRef:139] Unfortunately, the language of the Stafford Act does not provide entitlement to the continuance of the benefits either, unlike the Social Security Disability Statute. [footnoteRef:140] discussed in *Mathews*. [footnoteRef:141] The fact that individuals have previously been found eligible for awards or benefits under Sections 403 or 408 does not matter. [footnoteRef:142] Even if Section 101 states that "it is the intent of the Congress, by this chapter, to provide an orderly and continuing means of assistance," it has been held that this is a hortatory statement of purpose for the entire Stafford Act and that this section does not contain any mandatory language either; it only registers a general intent on the part of Congress. [footnoteRef:143] The *Santos* decision reflects what these other courts have held in the past. [138: Id. at 737.] [139: Id. See *Goldberg*, 397 U.S. 262; *Roth*, 408 U.S. at 577.] [140: 42 U.S.C. § 423(a) (stating that the benefits may only be terminated when it is shown that the disability has ceased or that the individual is able to engage in substantial gainful activity, and the agency bears the burden of supplying substantial evidence that a reason for termination exists).] [141: *Ridgely*, 512 F.3d at 738.] [142: Id. at 737-38.] [143: Id. at 739; 42 U.S.C. § 5121(b).]

2. Equal Protection Clause and the Stafford Act

The Fourteenth Amendment, under the Equal Protection Clause, indicates that no state shall "deny to any person within its jurisdiction the equal protection of the laws," and the Fifth Amendment has a similar clause that applies to the federal government. [footnoteRef:144] Meaning that the government cannot provide voluntary services in a discriminatory manner. Regarding FEMA assistance, alleged violations or discrimination claims are under the Equal Protection Clause of the Fifth Amendment because FEMA is a federal agency and even though it has discretion, "Congress never intended to allow agencies to determine whether to act in accord with the Constitution, abiding by the Constitution is never discretionary." [footnoteRef:145] This is true even though Section 305 of the Stafford Act states that: [144: U.S. Const. amend. V, XIV. See Footnote 35 indicating that, according to the decision in *Bolling v. Sharpe*, the Fifth Amendment does not contain an equal protection clause as does the Fourteenth Amendment which applies only to the states, but the concepts of equal protection and due process are not mutually exclusive. See also *Grose v. Napolitano*, No. 1:11CV227-LG-RHW, 2012 WL 2912742, at *6 (S.D. Miss. July 16, 2012), *aff'd*, 563 F. App'x 334 (5th Cir. 2014) (stating that *Grose* did not have a Fourteenth Amendment claim against the defendant because the Fourteenth Amendment only applies to states actors and not federal actors).] [145: *Coal. of Fla. Farmworker Organizations, Inc. v. Fed. Emergency Mgmt. Agency*, No. 06-80143-CIV, 2006 WL 8433326, at *4 (S.D. Fla. Nov. 30, 2006) (citing *Lockett v. Fed. Emergency Mgmt. Agency*, 836 F. Supp. 847, 854 (S.D. Fla. 1993)).] It must be noted that the Court in 2007 held that the *Coal. of Fla. Farmworker Organizations, Inc.* case was ripe for adjudication, even though it had stated in its 2006 order that the Court had jurisdiction to consider counts two, three and four and that the Plaintiffs had stated a claim. In counts two and three, the Plaintiffs alleged discrimination based on economic status and nationality as prohibited under the APA and the Stafford Act. 5 U.S.C. § 702; 42 U.S.C. § 5151. In count four, they alleged a violation of the Equal Protection Clause of the Fifth Amendment. *Coal. of Fla. Farmworker Organizations, Inc. v. Fed. Emergency Mgmt. Agency*, No. 06-80143-CIV, 2007 WL 9701987 (S.D. Fla. Aug. 13, 2007).]

The Federal Government shall not liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Federal Government in carrying out the provisions of this Act. [footnoteRef:146] [146: 42 U.S.C. § 5148.]

The Act therefore provides FEMA a form of immunity from judicial review of its act that are discretionary in nature. Constitutional claims, like Equal Protection claims, are not barred by this nonliability clause of the Stafford Act because "adherence to constitutional guidelines is not discretionary; it is mandatory." [footnoteRef:147] Also, the Supreme Court in *Webster v. Doe*, 486 U.S. 592 (1988), found that the "plaintiff's constitutional challenges to the application of an agency rule were entitled to judicial consideration." [footnoteRef:148] [147: *United Power Ass'n v. Fed. Emergency Mgmt. Agency*, No. A2-99-180, 2001 WL 1769404, at *2 (D.N.D. Aug. 14, 2001) (citing *Rosas v. Brock*, 626 F.2d 1004, 1008 (11th Cir. 1987)).] [148: *Webster v. Doe*, 486 U.S. 592, 603 (1988).]

The Stafford Act in Section 308 also requires FEMA to implement programs in an equitable and impartial manner and proscribes discrimination in disbursements. [footnoteRef:149] It specifically states that: "... relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status." [footnoteRef:150] Courts have previously found that this provision imposes an affirmative duty on FEMA to provide assistance without discrimination and provides an aggrieved individual with a right of action against the agency. [footnoteRef:151] The language of Section 308 is mandatory: "the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner..." [footnoteRef:152] This mandatory wording is not an anomaly because, as discussed before, other provisions of the Act are discretionary, like "the President may direct" and "federal agencies may...provide assistance..." [footnoteRef:153] This is primarily why plaintiffs usually have constitutional claims and statutory claims, under the Fifth Amendment and under the Stafford Act. [footnoteRef:154] [149: Id. § 5151(a).] [150: Id.] [151: *Laday v. Ramada Plaza Hotel Laguardia*, No. 07-CV-0450 (BMC), 2007 WL 526613, at *2 (E.D.N.Y. Feb. 13, 2007). See *McWaters*, 436 F. Supp. 2d at 824.] [152: *Watson v. Fed. Emergency Mgmt. Agency*, No. CIV.A.H-06-1709, 2006 WL 5249703, at *3 (S.D. Tex. May 30, 2006); 42 U.S.C. § 5151(a).] [153: Id.; § 5170a(1), 5170b(a).] [154: See, e.g., *Coal. of Fla. Farmworker Organizations, Inc.*, 2007 WL 9701987.]

In *Santos v. FEMA*, the previously discussed case regarding FEMA's response in the island of Puerto Rico after Hurricane Maria, the plaintiffs also asserted claims for deprivation of their Fifth Amendment Equal Protection Rights and Discrimination Assistance in violation of 42 U.S.C. § 5151(a). [footnoteRef:155] In their Equal Protection claim, they asserted that the Defendants (among them FEMA) had discriminated them "on the basis of race, national origin and kind of American citizenship by providing a lesser level of housing assistance because they are Puerto Rican, this being a 'protected class.'" [footnoteRef:156] This Clause requires that all persons similarly situated be treated in the same manner. [footnoteRef:157] The Court in this case indicated that in order to establish a violation of the Equal Protection Clause, the plaintiff "must 'show both (1) that they were treated differently from other similarly situated individuals, and (2) that such differential was based on 'impermissible considerations such as race, [religion, intent to inhibit or punish the exercise of constitutional rights, or malicious or bad faith intent to injure a person].'" [footnoteRef:158] Conclusory allegations are insufficient to state a claim. [footnoteRef:159] Therefore, a plaintiff "must allege purposeful and systematic discrimination by specifying instances in which the plaintiff was singled out for unlawful oppression in contrast to other similarly situated." [footnoteRef:160] [155: *Santos*, 327 F. Supp. 3d at 332.] [156: Id. at 341.] [157: Id. See also *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985).] [158: Id. (citing *Harlen Assocs. v. Inc. Vill. Of Mineola*, 273 F.3d 494, 499 (2d Cir. 2001)).] [159: Id. See *Laday*, 2007 WL 526613, at *13; see also *Albert v. Carovano*, 651 F.2d 561, 573 (2d Cir. 1986).] [160: Id.]

The formula for determining whether individuals or entities are 'similarly situated' for equal purposes is not always susceptible to precise demarcation. However, "the test is whether a prudent person, looking objectively at the incidents, would think them roughly equivalent and the protagonist similarly situated... [T]he 'relevant aspects' are those factual elements which determine whether reasoned analogy supports, or demands, a like result. Exact correlation is neither likely nor necessary, but the cases must be fair congeners." [footnoteRef:161] [161: Id. (quoting *Barrington Cove Ltd. P'ship v. Rhode Island Hous. & Mortg. Fin. Corp.*, 246 F.3d 1, 8 (1st Cir. 2001)).]

The Plaintiffs in *Santos* alleged that "Hurricane Harvey victims received seven extensions of TSA benefits whereas they received only three, which amounted to two months of additional benefits to victims of Hurricanes Harvey and Irma." [footnoteRef:162] They also mentioned that "FEMA had approved over twenty-two times the amount of financial assistance for victims of Hurricane Harvey as it did in the same amount of time" for Hurricane Maria victims. [footnoteRef:163] The Court held that the Plaintiffs failed to "address how the three hurricanes impacted the areas which were affected, what the amount of property damage from the three storms [was] and the overall financial impact on the affected areas." [footnoteRef:164] They did not establish either that they were similarly situated to victims of Hurricane Harvey and Irma, and even if they were, that they were treated differently. [footnoteRef:165] [162: Id.] [163: Id.] [164: Id. at 341-42.] [165: Id. at 331.]

In their claim alleging having been discriminated against under the Stafford Act in violation of Section 308, the Court decided that the Plaintiffs made conclusory allegations, that discontinuance of the TSA program constituted discrimination against them based on their race, color, English proficiency, or economic status. [footnoteRef:166] The Plaintiffs alleged disparate treatment, they even asserted that based on their allegation set forth in their first complaint they had made a *prima facie* case of disparate treatment and that therefore the burden should have shifted to the Defendants to establish that the allegedly unlawful action was taken for a legitimate non-discriminatory reason. [footnoteRef:167] If the Defendants do so, they asserted that the burden would shift back to them to show that the Defendants' proffered reasons are pre-textual. [footnoteRef:168] [166: Id. at 342.] [167: Id. (accepting the Plaintiffs' assumption that the *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, (1973) burden shifting analysis applied to this claim).] [168: Id.]

However, the Plaintiffs, to show this, cited to the same allegations made in their Equal Protection claim. [footnoteRef:169] According to the Court, the Plaintiffs hardly made a *prima facie* case, despite the low threshold, "given the differences in the disasters, including the number of people and the amount of property affected, the type of damage and the logistical differences in the locations where the hurricanes hit." [footnoteRef:170] Even if the Court had assumed that they did, FEMA rebutted their claims by providing evidence regarding: [169: Id. at 343.] [170: Id.]

[The scope of damage caused by Hurricanes Harvey and Rita versus the scope of the damage to Puerto Rico, the difference in the type of damage, the difference in the number of persons affected and the logistical difficulties as the result of PR being an island located well off the US mainland. [footnoteRef:171]] [171: Id.]

FEMA also provided a breakdown of the amount of financial assistance given to Texas, Florida and Puerto Rico, which established that the aid provided to the island was in line with the aid provided to the States. [footnoteRef:172] While the Plaintiffs still had the opportunity to establish that the Defendant's reasons were pre-textual, the Judge proceeded in deciding on the issue of granting or not the injunction and decided that the Plaintiffs had not established a likelihood of success on the merits of that claim. [footnoteRef:173] [172: Id.] [173: Id.]

The Equal Protection Clause "prohibits discrimination by government actors which either burdens a fundamental right, targets a suspect class, or intentionally treats one differently than others similarly situated without any rational basis for the difference." [footnoteRef:174] Disparate treatment is the threshold element of this type of claim. [footnoteRef:175] To be considered "similarly situated," a plaintiff must prove that all of the relevant aspect of their situation are nearly identical to those of the individuals they allege were treated more favorably. [footnoteRef:176] There are various ways a plaintiff may plead a violation of the Equal Protection Clause because of intentional discrimination. [footnoteRef:177] [174: *Darling v. Lake City Bd. of Comm'rs*, No. 1:12 CV 194, 2012 WL 1902602, at *18 (N.D. Ohio May 25, 2012). See *Rondigo, L.L. C. v. Township of Richmond*, 641 F.3d 673, 681-682 (6th Cir.2011).] [175: Id. (citing *Scarborough v. Morgan Cnty. Bd. of Educ.*, 470 F.3d 250, 260 (6th Cir.2006)]. [176: *Darling*, 2012 WL 1902602, at *19 (citing *Price v. Commonwealth Life Ins. Co.*, 40 F.3d 796, 802 (6. Th Cir. 1994)).] [177: See *Pyke v. Cuomo*, 258 F.3d 107,109 (2d Cir. 2001) (quoting *Brown v. City of Oneonta*, 221 F.3d 329, 337 (2d Cir. 1999)).]

A plaintiff could point to a law or policy that expressly classifies persons on the basis of race. Or, a plaintiff could identify a facially neutral law or policy that has been applied in an intentionally discriminatory manner. A plaintiff could also allege that a facially neutral statute or policy has an adverse effect and that it was motivated by discriminatory animus. [footnoteRef:178] [178: *Brown*, 221 F.3d at 337.]

A plaintiff "may claim selective enforcement of the law based upon his or her membership in a particular class, compared with others similarly situated." [footnoteRef:179] A plaintiff could also prove discrimination under a "class of one" analysis: "(1) intentional disparate treatment, (2) from other similarly situated individuals, (3) without a rational basis for the difference in treatment, and (4) without otherwise claiming membership in a particular class or group." [footnoteRef:180] Under both analysis, plaintiffs must provide the showing of similarly situated individuals or groups who were treated differently. [footnoteRef:181] However, for the "class of one," the plaintiff must show an "extremely high degree of similarity between themselves and the persons to whom they compare themselves." [footnoteRef:182] This is because similarity "is offered to provide an inference that the plaintiff was intentionally singled out for reasons that so lack any reasonable nexus with a legitimate governmental policy that an improper purpose—whether personal or otherwise—is all but certain." [footnoteRef:183] For the "class of one" analysis, the plaintiff is required to show that: [179: Witt v. Vill. Mamaroneck, No. 12-CV-8778 ER, 2015 WL 1427206, at *4 (S.D.N.Y. Mar. 27, 2015), aff'd sub nom. Witt v. Vill. of Mamaroneck, N.Y., 639 F. App'x 44 (2d Cir. 2016) (quoting Savino v. Town of Se., 963 F.Supp.2d 293, 301 (S.D.N.Y. 2013), aff'd, 572 F. App'x 15 (2d Cir. 2014)).] [180: Id. (citing Vill. of Willowbrook v. Olech, 528 U.S. 562, 564 (2000)).] [181: Id. See Mosdos Chofetz Chaim, Inc. v. Vill. of Wesley Hills, 815 F.Supp.2d 679, 693 (S.D.N.Y.2011)].] [182: Clubside, Inc. v. Valentin, 468 F.3d 144, 159 (2d Cir.2006)].] [183: Witt, 2015 WL 1427206, at *5 (citing Neilson v. D'Angelis, 409 F.3d 100, 105 (2d Cir. 2005), overruled on other grounds by Appel v. Spiridon, 531 F.3d 138 (2d Cir. 2008)).]

(1) [N]o rational person could regard the circumstances of the plaintiff to differ from those of a comparator to a degree that would justify the differential treatment on the basis of a legitimate government policy; and (2) the similarity in circumstances and difference in treatment are sufficient to exclude the possibility that the defendants acted on the basis of a mistake. [footnoteRef:184] [184: Id. (quoting Ruston v. Town Bd. for Town of Skaneateles, 610 F.3d 55, 60 (2d Cir. 2010)). See North Pacifica LLC v. City of Pacifica, 526 F.3d 478, 486 (9th Cir. 2008) (using a similar test, clarifying that a "class-of-one plaintiff must show that the discriminatory treatment was intentionally directed at him, as opposed ... to being an accident or a random act").]

On the other hand, in the Second Circuit there is a disagreement on what degree of similarity a plaintiff must show when using the selective enforcement theory. [footnoteRef:185] It is "unsettled whether selective enforcement cases require the same high degree of similarity [as the "class of one" analysis requires], or whether a 'slightly less stringent' standard applies wherein plaintiffs must show that the comparators are 'similarly situated in all material respects.'" [footnoteRef:186] This Circuit is one of the few that has addressed this issue when analyzing cases where FEMA or natural disasters are involved. However, one court stated what the test could be: [185: Id.] [186: See Mosdos Chofetz Chaim, 815 F.Supp.2d at 693-97.]

...[W]hether a prudent person, looking objectively at the incidents, would think them roughly equivalent and the protagonists similarly situated. Much as the lawyer's art of distinguishing cases, the 'relevant aspects' are those factual elements which determine whether reasoned analogy supports, or demands, a like result. Exact correlation is neither likely [n]or necessary, but the cases must be fair congeners. In other words, apples should be compared to apples. [footnoteRef:187] [187: T.S. Haulers, Inc. v. Town of Riverhead, 190 F.Supp.2d 455, 463 (E.D.N.Y.2002).]

This test is similar to the test used by the court in *Santos*, which was also the one used by the First Circuit. Therefore, one could state that this is the consensus, when using the selective enforcement theory. It must be noted, that when it comes to Section 308 of the Stafford Act claims, "the litigant bears the burden of establishing that FEMA, in administering a disaster assistance program, has somehow impermissibly discriminated against an applicant." [footnoteRef:188] Meaning that the plaintiff always has the burden of proving the intentional discrimination. [188: Laday, 2007 WL 526613, at *2. See Graham v. Fed. Emergency Mgmt. Agency, 149 F.3d at 1001 (9th Cir. 1998) ("Since the plaintiffs do not allege any facts that point to discriminatory actions on the part of FEMA, the plaintiffs' reliance on § 5151(a) is without merit."); see also *McWaters*, 436 F.Supp.2d at 824 (dismissing plaintiffs' § 5151(a) claims for failure to allege a colorable claim of discrimination).]

The majority of the cases where these claims have been raised have held that the plaintiffs have failed to establish that they were intentionally treated differently from others similarly situated, that they have failed to meet their evidentiary burden. [footnoteRef:189] Courts have also noted the lack of similarity between the groups or individuals compared. [footnoteRef:190] Some Courts has been more lenient and has permitted the party to provide more evidence or amend the complaint rather than dismiss the claim. In *United Power Ass'n v. Fed. Emergency Mgmt. Agency*, No. A2-99-180, 2000 WL 33339635 (D.N.D.Sept.13, 2000), the Court denied the motion to dismiss United Power Association's (UPA) Equal Protection claim because it agreed that UPA had not adequately pled the claim and could have done better. [footnoteRef:191] It decided to provide UPA the opportunity to amend its complaint because, in its response brief, UPA alerted FEMA and the Court that it had one other allegedly similarly situated public facility that received different treatment by FEMA. [footnoteRef:192] Finally, other courts have simply dismissed the claims because plaintiffs have failed to state a claim on which relief may be granted. [footnoteRef:193] [189: E.g., *Burmeister v. Cty. of Kaua'i*, No. CV 16-00402 LEK-KJM, 2018 WL 2050131 (D. Haw. May 2, 2018) (holding that the plaintiffs failed to establish their prima facie because they failed to establish that they were treated differently than owners of the other twenty-one properties FEMA identified as apparent NFIP violations during its 2009 North Shore floodplain tour; plaintiffs must show conduct that is intentional, not merely negligent). See Laday, 2007 WL 526613, at *4 (stating that the plaintiff in this complaint did not state what his race is or whether he was discriminated against because of his membership in any particular group; also, the complaint consisted of citations to federal laws that prohibit discrimination and protect civil liberties; however, it appeared that plaintiff was not suing defendants under the cited laws, but reproduced them as examples of federal laws that reflect the anti-discrimination language of the Stafford Act. He, therefore failed to raise a colorable claim under the Clause as to any defendant); *Watson v. Fed. Emergency Mgmt. Agency*, No. CIV.A. H-06-1709, 2006 WL 5249703, at *5 (S.D. Tex. May 30, 2006).] [190: Id.; *Santos*, 327 F. Supp. 3d 328.] [191: *United Power Ass'n v. Fed. Emergency Mgmt. Agency*, No. A2-99-180, 2000 WL 33339635, at *4 (D.N.D.Sept.13, 2000)] [192: Id.] [193: Laday, 2007 WL 526613, at *4 (holding that the plaintiff's Equal Protection claims fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii)). Cf. *Armstead*, 2006 U.S. Dist. LEXIS 95483; accord *Dubow v. United States Fed. Emergency Mgmt. Agency*, No. 216CV3717DRHAKT, 2018 WL 472816, at *8.]

The Court in *McWaters* also found that the plaintiffs failed to allege a colorable claim of discrimination, economic in this case. However, it stated something that should be taken into consideration:

It is very evident to the Court that Hurricane Katrina did not discriminate based on economic power, as the wealthy as well as the poor were substantially affected. The question becomes, then, whether the evidence presented reveals that FEMA, in administering its disaster assistance programs, has somehow impermissibly discriminated against applicants. FEMA argues that "people who are economically disadvantaged will always be more in need of federal disaster assistance," see Def.'s Post-Trial Brief, p. 3, and this inevitable fact does not mean that FEMA's actions violate any discriminatory prohibition. While the Court finds FEMA's handling of the aftermath of Hurricane Katrina to have been unorganized, highly bureaucratic, and detached, the practicalities of the circumstances wrought by such a large disaster also loom large. Even the most sensitive and prepared of government actors would have struggled with the magnitude of Katrina, and inevitably those with economic resources will recover more quickly than those without. The statute charges FEMA with acting fairly and equitably across the board, regardless of economic status. While much evidence has been presented as to whether a particular factual situation renders applicants eligible or ineligible, there has been no evidence presented which demonstrates that applicants were delayed or denied assistance due to their economic status. [footnoteRef:194] [194: *McWaters*, 436 F. Supp. 2d at 823-24.]

This leaves the impression that these claims may be mistaken for or taken as negligence, instead of discrimination; that a lot more information or evidence is needed for the Agency's actions to be considered intentionally discriminate in nature and not simple negligence on the part of the Agency. [footnoteRef:195] This could be the case we see in Puerto Rico, there is not enough public information for a plaintiff to show intentional discrimination because they do not have enough data in order to compare the three Hurricane responses. Also, FEMA's report and many media sources indicated that the problem with FEMA's response in the Island was negligence, lack of preparation, or delays; and not discrimination. It is hard to state a case when there is not enough data, or in some cases contradicting information, for plaintiffs to fulfill their evidentiary burden. [195: Compare id. with *Burmeister*, 2018 WL 2050131.]

In conclusion, these claims have encountered the same destiny as the claims raised in *Santos*. The problem with these cases is that it seems like no one has shown the appropriate evidence to show how some groups or individuals are similarly situated. The reasonable prudent person test used to analyze the selective enforcement theory seems to very strict or stringent in practice, specifically in cases where the similarly situated individuals or group are people who have suffered from natural disasters; no hurricane is ever the same. Therefore, the circumstances will never be extremely highly similar in nature, much less when not even the location or effects of the natural disasters are the same.

3. Other relevant Case Law regarding Equal Protection and discrimination

It should be reiterated that the Supreme Court, when it comes to laws providing aid to Puerto Rico or to its citizens, has decided that, when it comes to U.S. territories, Congress (the legislature) can discriminate against its citizens if it applies a rational basis review. [footnoteRef:196] A 2020 First Circuit case, *Vaello-Madero*, affirmed this view, even though the Court eventually decided that, as a matter of first impression, excluding Puerto Rico residents from receiving Supplemental Security Income benefits violates equal protection, under rational basis review. [footnoteRef:197] [196: *Harris*, 446 U.S. 651 (1980).] [197: *Vaello-Madero*, 956 F.3d 12.]

When Congress passes a law or the Executive takes an action be of a substantive or procedural nature that affects Puerto Rico and a plaintiff raises an Equal Protection claim, it is analyzed under a rational basis review, meaning that "the statute or ordinance must have a legitimate state or federal interest, and there must be a rational connection between the statute's/ordinance's means and goals." [footnoteRef:198] For example, in *Callifano v. Torres*, 435 U.S. 1 (1978), the Supreme Court concluded that a statutory classification was rationally grounded on three factors: Puerto Rican residents do not contribute to the federal treasury; the cost of treating the Island as a State under the statute would be high; and greater benefits could disrupt the Puerto Rican economy. [footnoteRef:199] Rational basis is usually used when no fundamental rights (which are specifically identified in the Bill of Rights or have been found under the Due Process) or suspect classifications are at issue. [footnoteRef:200] But this review is used even when Puerto Ricans may be considered a suspect class under the strict scrutiny test because of race or national origin. There are really few cases regarding the Equal Protection Clause in Puerto Rico and its residents. [198: *Rational Basis Test*, Legal Information Institute, Cornell Law School, https://www.law.cornell.edu/wex/rational_basis_test (last visited June 11, 2020).] [199: *Callifano v. Torres*, 435 U.S. 1 (1978).] [200: *Rational Basis Test*, Legal Information Institute, Cornell Law School, https://www.law.cornell.edu/wex/rational_basis_test (last visited June 11, 2020).]

On the other hand, the Supreme Court recognizes race, national origin, religion and alienage as suspect classes and analyzes government action that discriminates against these classes under strict scrutiny. [footnoteRef:201] This later test is applied to restrictions of any fundamental rights or when a law involves a suspect classification. Under this test, is almost always unconstitutional any government sponsored discrimination on the account of a citizen's race, ethnicity, religion or national origin, unless it is compelling, narrowly tailored and temporary piece of legislation dealing with national security, defense, or affirmative action. [footnoteRef:202] Also, that the law uses the "least restrictive means" to achieving the purpose. [footnoteRef:203] [201: See *United States v. Carolene Products*, 304 U.S. 144 (1938); see also *Hirabayashi v. United States*, 320 U.S. 81 (1943).] [202: *Strict Scrutiny*, Legal Information Institute, Cornell Law School, https://www.law.cornell.edu/wex/strict_scrutiny (last visited June 11, 2020).] [203: Id.]

Regarding the aid provided to the Island after Hurricane Maria, military and financial aid, apart from FEMA, could be analyzed under the Equal Protection Clause; it is not clear whether these ordinances or laws providing the aid would be reviewed under the rational basis test or the strict scrutiny; precedent indicates that the rational test review would be used.

4. Conclusion

Puerto Rico has passed through some difficult times and situations. The collapse of its economy, its political status, the Fiscal Board, Hurricane Maria, various earthquakes the Island suffered in January of 2020 and now the Coronavirus all contribute to the Island's struggle. The hurricane season of 2017 has been the worst until today, three Category 4 and 5 hurricanes made landfall in the continental and insular United States. Efforts and aid had to be divided between Texas, Florida, Puerto Rico and U.S. Virgin Islands; and FEMA's report indicates that its structure, preparation and planning could have been better.

The Stafford Act does not create a property interest on the assistance or benefits it provides for it to be protected under the Due Process Clause. The *Santos* decision reflects decisions taken by lower courts and Courts of Appeal. This assistance provided by FEMA is discretionary; people have no property interest in this governmental benefit, and they do not have a legitimate claim of entitlement to it. When canceling or stopping this assistance, the Agency relies on this argument.

Santos also reflects other court decisions taken regarding the Equal Protection Clause; according to the judge, there was not enough information or evidence given by the plaintiffs to prove intentional discrimination and does not believe that the victims of Hurricane Maria can be compared to victims of Hurricanes Irma and Harvey. Unfortunately, FEMA provided more evidence than the plaintiffs could refute. The reasonable prudent person test used to analyze the selective enforcement theory seems to very strict or stringent in practice, specifically in cases where the similarly situated individuals or group are people who have suffered from natural disasters. The problem with this sort of events is that they are never the same, therefore the effects and damage are not highly similar in nature. Therefore, when using a very strict test, no plaintiff will seem to fulfill his or her evidentiary burden. In *Santos*, the Court indicated that the Plaintiffs failed to "address how the three hurricanes impacted the areas which were affected, what the amount of property damage from the three storms [was] and the overall financial impact on the affected areas." It is indeed hard for the public to have this type of information because it is not available and, if found, it can be contradictory. Precedent of Equal Protection claims shows how difficult it is to pass the test; most cases have been denied for lack of evidence or dismissed because plaintiffs have failed to state a claim on which relief may be granted.

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Date : 9/22/2020 2:13:23 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : RE: MM Ch 3 edits Hi Diego, Thanks for reaching out. I'm a bit tied up today because I am preparing for this event: <https://docs.google.com/forms/d/e/1FAIpQLSc4S9TPR3vuIE248UgFRzTruehEmxbuiUnxFn067XDPOC44vw/viewform>. Please feel free to join, if you'd like. Also, I'll send you a memo I'd like you to read as background for another assignment. And yes please do feel free to reach out to Nick and Julie. I thought your research was very helpful and agreed with Nick on his feedback. Thanks, Kathy From: Diego Alvarez <dalvarez@jd22.law.harvard.edu> Sent: Tuesday, September 22, 2020 1:51 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: MM Ch 3 edits

CAUTION: This email is from outside USCCR.

Hi Kathy! ☺

I hope you are having a great week so far! I was wondering, if you have the time, if you had any feedback for me for me on the edits I sent Nick for the PMD Act, as I would greatly appreciate the opportunity to be conscious about any errors I made. In addition, if you have any other assignments for me this week, please feel free to send them to me! If not, I can definitely reach out to Julie and Nick again and see if they have anything that I could help them on. ☺

Oh! I haven't quite yet fixed the email issue, but I'm going to email Michelle promptly to see what I can do next!

Warmly, Diego

From: Nicholas Bair <nbair@usccr.gov> Date: Friday, September 18, 2020 at 9:07 AM To: Diego Galeazzi Alvarez <dvalvarez@jd22.law.harvard.edu> Cc: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>, Julie Grieco <jgrieco@usccr.gov> Subject: RE: MM Ch 3 edits Hi Diego, This is very helpful, thanks!

<https://docs.google.com/forms/d/e/1FAIpQLSc4S9TPR3vulE248UgFrzTruehEmxbuiUnxFn067XDP0C44vw/viewform>
<mailto:nbair@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jgrieco@usccr.gov>

All the best, Nick From: Diego Alvarez <dvalvarez@jd22.law.harvard.edu> Sent: Thursday, September 17, 2020 10:47 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Julie Grieco <jgrieco@usccr.gov> Subject: [EXTERNAL] Re: MM Ch 3 edits

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Hi Nick,

I've gone ahead and attached the document with just the paragraph introducing the Act and the language I drafted. Please let me know if you think this will be helpful of if you need any further edits.

Please also let me know if you need anything else at all. I'll be here!

Kind regards, Diego Galeazzi Alvarez

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Date: Thursday, September 17, 2020 at 2:21 PM To: Julie Grieco <jgrieco@usccr.gov>, Nicholas Bair <nbair@usccr.gov> Cc: Diego Galeazzi Alvarez <dvalvarez@jd22.law.harvard.edu> Subject: RE: MM Ch 3 edits Thanks so much, Julie! This is a very helpful contribution! From: Julie Grieco <jgrieco@usccr.gov> Sent: Thursday, September 17, 2020 3:11 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Nicholas Bair <nbair@usccr.gov> Cc: Diego Alvarez <dvalvarez@jd22.law.harvard.edu> Subject: RE: MM Ch 3 edits Hi Nick, I'm attaching my version of the report, with edits made to Chapters 1, 2, and 4. I wanted to get this to you as soon as possible since there are a few outstanding comments in Chapter 4 to address, as well as to allow time to incorporate the Ch 3 work you and Diego have been doing. I also went ahead and changed the order of the states in Ch. 4 as requested. Let me know if you have any questions! Julie From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Thursday, September 17, 2020 10:21 AM To: Nicholas Bair <nbair@usccr.gov>; Diego Alvarez <dvalvarez@jd22.law.harvard.edu>

<mailto:dalvarez@jd22.law.harvard.edu>
<mailto:nbair@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:jgrieco@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
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<mailto:nbair@usccr.gov>
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<mailto:kculliton-gonzalez@usccr.gov>
<mailto:nbair@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>

Cc: Julie Grieco <jgrieco@usccr.gov> Subject: RE: MM Ch 3 edits Thanks both – and if I may add, citing to the U.S. Code will get us to the current law, so please cite to the U.S. Code as discussed. From: Nicholas Bair <nbair@usccr.gov> Sent: Thursday, September 17, 2020 10:20 AM To: Diego Alvarez <dvalvarez@jd22.law.harvard.edu> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: RE: MM Ch 3 edits Hi Diego, Thanks for uncovering this. I think explaining the difference between the current law and the proposed amendments in the Act is valuable analysis that should be included in our report. Could you draft some language explaining what the current law says and how the proposed legislation differs in scope? Does the proposed legislation simply permit the Secretary to study racial disparities, or does it require the Secretary to study these issues? Does the law or legislation change reporting requirements to Congress (either adding them or reducing them, if any existed in the first place)? The text does not have to be long, just a few sentences with appropriate citations to the current law and proposed legislation. Let me know if you have any questions. Many thanks! Nick From: Diego Alvarez <dvalvarez@jd22.law.harvard.edu> Sent: Wednesday, September 16, 2020 10:42 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: MM Ch 3 edits

CAUTION: This email is from outside USCCR.

Hi Nick,

I hope you're having a great week so far! If it's alright, I wanted to ask you something relating to the research I'm doing for you. Looking through the "Preventing Maternal Deaths Act," I've found that the Act's amendments do not themselves add anything directly relating to racial disparities in maternal health.

However, when comparing the older version of 42 U.S.C. § 247b-12 to the current version with the PMDA's amendments, what I've noticed is that the amendments supplement the existing provisions to expand research to understand more about the maternal health disparities.

Do you think that the expanded research authority is enough to note in the report? I think the argument is there for it, with my only biggest concern being that there is no real "enforcement" happening, simply empowering the HHS

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<mailto:jgrieco@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>
<mailto:nbair@usccr.gov>
<mailto:jgrieco@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

secretary with a greater scope of research.

Let me know what you think, and if you want me to write some language, just say the word and I can have it to you tomorrow!

Warmly, Diego

From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Date: Tuesday, September 15, 2020 at 1:56 PM To: Nicholas Bair <nbair@usccr.gov> Cc: Julie Grieco <jgrieco@usccr.gov>, Diego Galeazzi Alvarez <dvalvarez@jd22.law.harvard.edu> Subject: MM Ch 3 edits Hi Nick, Please see the attached edits in Ch. 3. Thanks, K.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:nbair@usccr.gov>
<mailto:jgrieco@usccr.gov>
<mailto:dalvarez@jd22.law.harvard.edu>

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Date : 9/25/2020 11:50:18 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : discrimination claims issue https://www.demos.org/sites/default/files/publications/Sanctuary%20Cities%20English_0.pdf

https://www.demos.org/sites/default/files/publications/Sanctuary%20Cities%20English_0.pdf
https://www.demos.org/sites/default/files/publications/Sanctuary%20Cities%20English_0.pdf

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Date : 9/25/2020 11:05:14 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : Kathy/Diego meeting <https://us02web.zoom.us/j/84360278151?pwd=aUQrL3JKT3RCOXRSnNveHBQL2ZNdz09>

<https://us02web.zoom.us/j/84360278151?pwd=aUQrL3JKT3RCOXRSnNveHBQL2ZNdz09>

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Date : 9/25/2020 11:18:13 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : DHS chapter <https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

<https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

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Date : 9/25/2020 4:09:40 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Gerald Fosten" geraldntn@hotmail.com Subject : welcome Gerald Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: welcome Gerald! Time: Sep 28, 2020 10:00 AM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/81764122334?pwd=NW54VzVCTDBEM3k4eXdZWFpkVKIRZz09 Meeting ID: 817 6412 2334 Passcode: 781005 One tap mobile +13017158592,,81764122334#,,,,,0#,,781005# US (Germantown) +13126266799,,81764122334#,,,,,0#,,781005# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) 855 880 1246 US Toll-free 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free Meeting ID: 817 6412 2334 Passcode: 781005 Find your local number: https://us02web.zoom.us/u/kdjTCG15u Join by SIP 81764122334@zoomcrc.com Join by H.323 162.255.37.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 817 6412 2334

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<mailto:81764122334@zoomcrc.com>

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Date : 9/25/2020 4:11:27 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "ocre" ocre@uscrr.gov, "Gerald Fosten" geraldntn@hotmail.com Cc : "Nicholas Bair" nbair@uscrr.gov, "Julie Grieco" jgrieco@uscrr.gov, "Marik Xavier-Brier" mxavierbrier@uscrr.gov, "Latrice Foshee" lfoshee@uscrr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Shelby Taylor" st5082a@student.american.edu Subject : welcome Gerald Zoom lunch Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: OCRE team virtual lunch to welcome Gerald! Time: Sep 29, 2020 12:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/85766904698?pwd=Q2haaVdlWwNGbGsrSmFuN0dmdk9OUT09 Meeting ID: 857 6690 4698 Passcode: 989725 One tap mobile +13017158592,,85766904698#,,,,,0#,,989725# US (Germantown) +13126266799,,85766904698#,,,,,0#,,989725# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) 855 880 1246 US Toll-free 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free Meeting ID: 857 6690 4698 Passcode: 989725 Find your local number: https://us02web.zoom.us/u/kpxVK1j8O Join by SIP 85766904698@zoomcrc.com Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia) 149.137.40.110 (Singapore)

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64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 857 6690 4698 Passcode: 989725

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Date : 9/28/2020 10:43:36 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "ocre" ocre@uscrr.gov, "Gerald Fosten" geraldntn@hotmail.com, "Mauro Morales" mmorales@uscrr.gov Cc : "Nicholas Bair" nbair@uscrr.gov, "Julie Grieco" jgrieco@uscrr.gov, "Marik Xavier-Brier" mxavierbrier@uscrr.gov, "Latrice Foshee" lfoshee@uscrr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Shelby Taylor" st5082a@student.american.edu Subject : welcome Gerald Zoom lunch Katherine Culliton-Gonzalez is inviting you to a scheduled Zoom meeting. Topic: OCRE team virtual lunch to welcome Gerald! Time: Sep 29, 2020 12:00 PM Eastern Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/85766904698?pwd=Q2haaVdlWwNGbGsrSmFuN0dmdk9OUT09 Meeting ID: 857 6690 4698 Passcode: 989725 One tap mobile +13017158592,,85766904698#,,,,,0#,,989725# US (Germantown) +13126266799,,85766904698#,,,,,0#,,989725# US (Chicago) Dial by your location +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) 855 880 1246 US Toll-free 877 369 0926 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free Meeting ID: 857 6690 4698 Passcode: 989725 Find your local number: https://us02web.zoom.us/u/kpxVK1j8O Join by SIP 85766904698@zoomcrc.com Join by H.323 162.255.37.11 (US West) 162.255.36.11 (US East) 115.114.131.7 (India Mumbai) 115.114.115.7 (India Hyderabad) 213.19.144.110 (Amsterdam Netherlands) 213.244.140.110 (Germany) 103.122.166.55 (Australia)

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149.137.40.110 (Singapore) 64.211.144.160 (Brazil) 69.174.57.160 (Canada) 207.226.132.110 (Japan) Meeting ID: 857 6690 4698 Passcode: 989725

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Date : 9/30/2020 9:28:24 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "Catalano, Mary" Mary_Catalano@ios.doi.gov Cc : "TinaLouise Martin" tmartin@uscrr.gov Subject : RE: Welcome DOI University: SAC Planning for Retirement for CSRS/FERS Employees Seminar (October 6-7, 2020) Attachment : image001.png,image002.gif; Received, thanks. From: Catalano, Mary <Mary_Catalano@ios.doi.gov> Sent: Wednesday, September 30, 2020 7:30 AM To: aj@usagm.gov; sargent@access-board.gov; rpatel@cfa.gov; drebollo@fmc.gov; Katherine Culliton-Gonzalez <kculliton-gonzalez@uscrr.gov>; orlichr@fca.gov; tpeltz@neh.gov; jkohm@fmc.gov; mmurphy@oge.gov; Barbara.Shumar@restorethegulf.gov; harald.reichel@ntsb.gov; Murdock@nmb.gov; debra.dickson@ncpc.gov; Elizabeth.Powell@csosa.gov; Teresa.J.Howes@ustr.eop.gov; mdelorey@laf.gov; rgairola@ushmm.org; sponds@voanews.com; ihale@fmc.gov; TinaLouise Martin <tmartin@uscrr.gov>; halej@fca.gov; Dotoole@fmc.gov; gaclark@oge.gov; alice.morrow@restorethegulf.gov; Allen@nmb.gov; Julia.koster@ncpc.gov; Michael.Johnson@csosa.gov; ngillette@ushmm.org; Laura_Buffo@ustr.eop.gov; earroyo@neh.gov Subject: [EXTERNAL] Welcome DOI University: SAC Planning for Retirement for CSRS/FERS Employees Seminar (October 6-7, 2020)

CAUTION: This email is from outside USCCR.

Good morning, This is the same email I sent yesterday with the same attachments. I am sending this again as many of you shared with me that you were not able to open the email. Please confirm receipt. If you have any questions or need additional information, please call me at (202)906-0763. I am here to help.... Thank you and I wish you all a great day! MJ

Dear DOIU Students, Please allow me to introduce myself, my name is Mary Jo Catalano and I am the Manager of the DOI University (DOIU)-Washington Learning Center. Our assigned training provider is National Institute of Transition Planning, Inc and you will be receiving emails from their the ON24 platform which will have the access information. Please use the emails from ON24 platform as the authority for start and end times and instructions on how to access the virtual platform. National Institute of Transition Planning, Inc does not use a federal email address, so if you don't find the emails in your inbox, please check your spam/junk folder. This is what you will see in your inbox: do_not_reply@on24event.com. PLEASE check your "Junk" and "Spam" files. I'm attaching the links for the SAC webinars and handouts. I hope you enjoy the seminar. If you need anything from me, please do not hesitate to reach out. Please confirm you received this message. If you have any questions, please call me at my office cell phone which is 202-906- 0763. Mary Jo Catalano, PMP Manager, Washington Learning Center DOI University Learning, Development and Knowledge Management Office of Strategic Employee and Organization Development 1849 C Street, NW-4354 Washington, DC 20240 Office Hours: 6:30 a.m. to 3:00 p.m. EST 202-208-3757 Direct Phone Number 202-906-0763 Mobile Phone Number 202-208-3411 Fax Email: Mary_Catalano@ios.doi.gov DOI University Course Catalog - DOI University delivers a wide range of courses available to all Federal employees and members of tribal governments. DOI Talent - DOI Employees can find training courses and transcripts in DOI Talent. Get the latest DOI news and information. Follow/Like us on social media: Facebook, LinkedIn, Twitter and YouTube. CUSTOMER SERVICE SURVEY We are interested in your opinion. This brief survey is meant to provide us feedback on our services and products. This survey is confidential and will be used to enhance our ability to

mailto:do_not_reply@on24event.com
mailto:Mary_Catalano@ios.doi.gov
https://url.emailprotection.link/?bMq7pF_OqplVUeQnZ13PA6xuE-dKOTuQSAVcCooYlBvz_VYX_nkLLtjCGJ7ME3euZsIlamYgXcP9O239xBR52eRUEKSL50sFaUTuoTD2utrKopM27_PBAV0Vte1v9gg1Gg3S6Ds3KJQPEaEMW2nSWTFNEXOqseSQ6CY_72a1YUnFOJpqpmm0m05tibiXFqaIn56DZGAK0AgTfGXS3i84VdZzr5WLA9Yw63nPwaxZ1f0l6E-P-73Z01mf6HszJLMYuzW53Uy6N0ZHfaHQe9Y1yCTEb1Jk8YbHMF1Zug68BT6AiCvqZK_4XlWE4ZVhEpaCP8Rgjn9kJCNLncZ2YFQKsqZjvkubQZzGPl2JKRXocdd2JzjrUfakPPqZnN
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[https://url.emailprotection.link/?bMq7pF_OqplVUeQnZ13PA6xuE-dKOTuQSAVcCooYlBvz_VYX_nkLLtjCGJ7ME3euZsIlamYgXcP9O239xBR52eRUEKSL50sFaUTuoTD2utrKopM27_PBAV0Vte1v9gg1Gg3S6Ds3KJQPEaEMW2nSWTFNEXOqseSQ6CY_72a1](https://url.emailprotection.link/?bMq7pF_OqplVUeQnZ13PA6xuE-dKOTuQSAVcCooYlBvz_VYX_nkLLtjCGJ7ME3euZsIlamYgXcP9O239xBR52eRUEKSL50sFaUTuoTD2utrKopM27_PBAV0Vte1v9gg1Gg3S6Ds3KJQPEaEMW2nSWTFNEXOqseSQ6CY_72a1YUnFOJpqpmm0m05tibiXFqaIn56DZGAK0AgTfGXS3i84VdZzr5WLA9Yw63nPwaxZ1f0l6E-P-73Z01mf6HszJLMYuzW53Uy6N0ZHfaHQe9Y1yCTEb1Jk8YbHMF1Zug68BT6AiCvqZK_4XlWE4ZVhEpaCP8Rgjn9kJCNLncZ2YFQKsqZjvkubQZzGPl2JKRXocdd2JzjrUfakPPqZnN)

additional burden on tribes operating with a skeletal staff “to put together applications in order to provide care for their people.”[footnoteRef:2] Chief Smith testified that this federal choice to depend on competitive grantmaking excludes tribes who could not pull together the resources to apply for the funds.[footnoteRef:3] He also noted that tribal funds for COVID-19 relief set-asides “further the fulfillment of the federal trust obligation for health” and without full access to them, “Tribes will more than likely not receive meaningful public health funding,” as they do not have the capacity to compete with state and local entities for public health grants. [footnoteRef:4] Chief Malerba agreed, noting that grant funding treats tribes like nonprofit organizations rather than governments, and competitive grants can delay tribes getting urgently needed resources. [footnoteRef:5] The Indian Health Service noted to the Commission that not all COVID-19 funding includes competitive grants.[footnoteRef:6] such as the CDC Supporting Tribal Public Health Capacity in Coronavirus Preparedness and Response.[footnoteRef:7] Comment by Catherine Lhamon: Our text should explain what competitive grants are, that they differ from the way non-Native healthcare is funded, and why such grant funding is challenging for meeting healthcare needs Comment by Julie Grieco: Need assistance developing some language on this. Comment by Katherine Culliton-Gonzalez: I think the Chair has over-stated. I am not sure that non-Native healthcare funding is always non-competitive. Also the last sentence of this para contradicts the Chair’s theory. If you agree with my edits, then we can proceed with a more narrow line of research. Comment by Pilar McLaughlin: It would be helpful to cite to a primary source here as well. I would try to find what federal act uses “competitive grantmaking” to distribute funds. Comment by Julie Grieco: Could use assistance finding language regarding CARES Act funding and over COVID19 relief funds using competitive grantmaking in the language – I searched the text in the CARES Act and found something in Subtitle C: Innovation, that I could use some help interpreting and writing up: SEC. 4301. REMOVING THE CAP ON OTA. Section 319L(c)(5)(A)(ii) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(5)(A)(ii)) is amended to read as follows: “(ii) LIMITATIONS ON AUTHORITY.—To the maximum extent practicable, competitive procedures shall be used when entering into transactions to carry out projects under this subsection.” Comment by Katherine Culliton-Gonzalez: You should quote “skeletal staff” It is too big of an assertion to make without a source. If we are going to delete this type of language from others we cannot use it ourselves. Comment by Julie Grieco: Have quoted the full sentence [1: Linda Capps, Vice Chairman, Citizen Potawatomi Nation, Written Statement for the Assessing COVID-19 and the Broken Promises to Native Americans Briefing before the U.S. Commission on Civil Rights, Jul. 24, 2020, p. 2.] [2: Smith Statement, at 16.] [3: Smith Statement, at 16.] [4: Ibid, 18.] [5: Malerba Testimony, Assessing COVID-19 and the Broken Promises to Native Americans Briefing, pp. 24-25.] [6: Indian Health Service, Response to Affected Agency Review, (Sept. 18, 2020) (on file).] [7: Centers for Disease Control and Prevention, “Supporting Tribal Public Health Capacity in Coronavirus Preparedness & Response,” <https://www.cdc.gov/tribal/cooperative-agreements/tribalcovid-ot20-2004.html> (accessed Aug. 24, 2020).]

The Commission received substantial testimony criticizing the CDC’s use of cooperative agreements and grant mechanisms rather than directly issuing the funding to tribes, which are sovereign entities yet have had less access to COVID-19 relief funding than states.[footnoteRef:8] For the \$40 million in CDC funding for tribal nations and organizations through the Coronavirus Preparedness and Response Supplemental Appropriations Act, the CDC acted unilaterally to route a portion of funds through existing cooperative agreements,[footnoteRef:9] with the remainder available via a grant mechanism, despite tribal leaders urging the CDC to enter into an interagency agreement with IHS that would allow the transfer of funds.[footnoteRef:10] According to written comments received from W. Ron Allen, Chairman of Jamestown S’Kallam Tribe and of the Self-Governance Communication & Education Tribal Consortium, This action caused delays in the distribution of funding due to deliberations surrounding the decision and the grant application process.[footnoteRef:11] Comment by Julie Grieco: IHS AAR: The Commission should consider discussing how the appropriations acts and the agencies’ authority do not necessarily authorize other options and, therefore, Congress must act if it wants to authorize such options (including a transfer of funds to IHS). Comment by Julie Grieco: Maureen response: This is a reasonable point especially about appropriation act restrictions Comment by Clelland, Carmen (CDC/DDPHSIS/CSLTS/OD): This is misleading as the authorizing language stated the funding would be funded through grants or cooperative agreements. Comment by Julie Grieco: Likely some of the research for the above paragraph could help on this. Both this comment and the one below are from federal agencies asking us to describe the appropriations act and how it limits agency authority as to the methods they can use for relief. [8: See [supra or infra to the para above] notes xx-xx (discussing the CARES’ Acts authorizing language).] [9: S. 3286.] [10: W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Kallam Tribe and Chairman, Self-Governance Communication & Education Tribal Consortium, Written Statement for the Assessing COVID-19 and the Broken Promises to Native Americans Briefing before the U.S. Commission on Civil Rights, Jul. 24, 2020, p. 4.] [11: W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Kallam Tribe and Chairman, Self-Governance Communication & Education Tribal Consortium, Written Statement for the Assessing COVID-19 and the Broken Promises to Native Americans Briefing before the U.S. Commission on Civil Rights, Jul. 24, 2020, p. 4.]

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Date : 9/30/2020 3:30:19 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@uscrr.gov To : "ocre" ocre@uscrr.gov Cc : "Shelby Taylor" st5082a@student.american.edu, "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : FW: [EXTERNAL] FW: FOR IMMEDIATE RELEASE: Speier, Castro, and Engel Take On Harassment and Discrimination in the State Department Here’s some exciting news about Marik’s report on Sexual Harassment in the Federal Government being used by Congress. Congrats to Marik and everyone who contributed to the report! From: Irena Vidulovic <ividulovic@uscrr.gov> Sent: Wednesday, September 30, 2020 3:11 PM To: Debo P. Adegbile <dadegbile@uscrr.gov>; Catherine Lhamon <clhamon@uscrr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@uscrr.gov>; Marik Xavier-Brier <mxavierbrier@uscrr.gov> Subject: Re: [EXTERNAL] FW: FOR IMMEDIATE RELEASE: Speier, Castro, and Engel Take On Harassment and Discrimination in the State Department

Speier, Castro, and Engel Take On Harassment and

Discrimination in the State Department

Washington, DC – Today, Congresswoman Jackie Speier (CA-14), Co-Chair of the Democratic Women’s Caucus; Congressman Eliot Engel (NY-16), Chairman of the House Committee on Foreign Affairs; and Congressman Joaquin Castro (TX- 20), Chair of the House Foreign Affairs Subcommittee on Oversight and Investigations; introduced the State Harassment and Assault Prevention and Eradication (SHAPE) Act of 2020. The SHAPE Act requires stronger anti-harassment and discrimination policies and resources and better survivor care and accountability at the State Department on behalf of the brave employees who spoke up about the toxic climate they have endured while making significant sacrifices in service to our nation. “Three years ago, our country was put on notice by the #MeToo movement and I was proud to lead the charge in Congress to better protect employees while also holding Members of Congress personally, financially liable for their misdeeds. That national reckoning has reached the State Department and we are committed to ensuring that this viral online moment, launched by 223 brave women who stepped forward to share their painful experiences knowing the grave risk it posed to their careers, becomes a lasting movement for long overdue change,” Rep. Speier said. “The SHAPE Act will achieve this by creating an Office of Employee Advocacy tasked with providing victims with representation and administering climate surveys; demanding greater accountability; enhancing and improving existing policies, training, reporting and tracking; and providing rights for survivors and access to supportive services. Many of these women and men are serving in

warzones or equally dangerous territories. They do so for long stretches of time without access to their loved ones. It’s our duty to ensure that the only enemies they need to worry about are outside their ranks.” “We must do whatever it takes to protect those who dedicate their lives to protecting our country. That’s why I’m proud to join with Representatives Speier and Castro in introducing the SHAPE Act to prevent and respond to harassment, discrimination, and sexual assault at the State Department,” Chairman Engel said. “This bill would bring necessary changes, requiring the State Department to invest in preventative training and provide resources to victims. It would also ensure the Department is upholding its responsibility to protect our public servants, including many women who for years have faced not only harassment and discrimination, but also cultural and institutional failure within national security Agencies that are unwilling to protect them.” “Our nation’s diplomats serve in every corner of the world, including hot spots like war zones and regions with civil unrest, to provide for the security of our nation. The remote nature of a diplomat’s work also makes them more vulnerable and too often their complaints of sexual harassment, assault, and discrimination are not adequately addressed, and victims lack support. The global #metoo movement has shone a spotlight on these systemic failures, including at the U.S. State Department, and it’s long past time to take action with real reforms. I’m proud to introduce the SHAPE Act to provide victims with more resources, and hold our government accountable for ensuring a workplace free from harassment,” Chair Castro said. In November 2017, 223 women in the national security field—current and former diplomats, civil servants, servicemembers, and development workers—signed an open letter with the hashtag #metoonatsec, declaring, “We, too, are survivors of sexual harassment, assault, and abuse or know others who are. This is not just a problem in Hollywood, Silicon Valley, newsrooms or Congress. It is everywhere.” In April 2020, the U.S. Commission on Civil Rights highlighted similar findings in a report titled, “Federal #MeToo: Examining Sexual Harassment in Government Workplaces” which identified ways the State Department could do more to keep employees safe and hold perpetrators accountable. The SHAPE Act would require the State Department to develop a comprehensive policy and take steps to prevent and respond to harassment, discrimination, sexual assault, and related retaliation by:

- Establishing an Office of Employee Advocacy to provide optional legal counsel and representation to victims, run an international 24/7 hotline, administer climate surveys, and house Employee Advocates to assist victims throughout the complaint process.
- Requiring annual reports to Congress on claims and disciplinary action taken to hold perpetrators accountable and biannual climate survey results to determine effectiveness of new policies;
- Providing alternate work assignments or paid leave of absence for those who file complaints;
- Eliminating forced nondisclosure or non-disparagement agreements; - Mandating bystander intervention training, supervisor training, and

executive leadership training;

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- Implementing standardized sexual assault protocols including: o Access to a trained Sexual Assault Prevention and

Response Victim Advocate; o Provision of a sexual assault forensic evidence kit on

request; o Comprehensive health services; and o Training of Regional Security Officers in sexual

assault investigative techniques.

The SHAPE Act has been endorsed by the National Alliance to End Sexual Violence; National Partnership for Women and Families; Truman National Security Project; Futures Without Violence; Foreign Policy for America; Women of Color Advancing Peace, Security, and Conflict Transformation; and Women Ambassadors Serving America. Quotes from endorsing organizations and individuals are listed below. “The SHAPE Act provides federal agencies with a blueprint to ensure safe, transparent, and accountable workplaces for all employees. For too long, public servants have suffered in the shadows of workplace harassment and abuse without clear guidance or support. The SHAPE Act seeks to end that injustice. Its passage will help foster a more inclusive and welcoming workplace that will support long overdue efforts to diversify the State Department,” Jenna Ben-Yehuda, President and CEO of the Truman National Security Project and co-author of #MeTooNatSec. “Congresswoman Speier has once again taken the lead in standing up for survivors and fighting sexual harassment and violence in every workplace,” Esta Soler, President and Founder of Futures Without Violence. “The SHAPE Act will ensure that federal employees at the State Department, including those who may be more vulnerable because of overseas assignments, have the same rights and protections as everyone else because no one deserves to be harassed or abused.” “On behalf of dozens of survivors of harassment, bullying, assault, and discrimination at the U.S. State Department, we are pleased to work with Reps. Speier, Engel, and Castro to introduce the SHAPE Act. This act will ensure a host of victim protections and the abolishment of mandatory non-disclosure agreements. It will also ensure real consequences for perpetrators. We hope this makes the State Department a safer place to work for everyone,” Amy Dahm, a retired Foreign Service Officer. “Being aware of the damage sexual harassment can wreak on the personal and professional lives of America’s public servants, we welcome this effort to help eliminate it,” past and current co-Chairs of Women Ambassadors Serving America, Ambassadors (ret.) Gina Abercrombie-Winstanley, Piper Campbell, and Nina Hachigian. “When women, particularly women of color, are protected and respected, they are empowered to engage on issues that impact their security, and in so doing, help promote a world that is more inclusive, respectful, and peaceful,” Ambassador

Bonnie Jenkins, Founder and Executive Director of Women of Color Advancing Peace, Security and Conflict Transformation. In addition to Reps. Speier, Engel and Castro, the SHAPE Act is cosponsored by Reps. Eleanor Holmes Norton, Veronica Escobar, Deb Haaland, Vicente Gonzalez, Debbie Dingell, André Carson, David Price, Michael F.Q. San Nicolas, Ron Kind, Bonnie Watson Coleman, John B. Larson, Chellie Pingree, Jan Schakowsky, and Ilhan Omar. A copy of the bill text and a fact sheet are attached to this press release.

From: Irena Vidulovic Sent: Wednesday, September 30, 2020 3:08:52 PM To: Debo P. Adegbile; Catherine Lhamon; Katherine Culliton-Gonzalez; Marik Xavier-Brier Subject: Fwd: [EXTERNAL] FW: FOR IMMEDIATE RELEASE: Speier, Castro, and Engel Take On Harassment and Discrimination in the State Department

From: "Mayayeva, Yana" <Yana.Mayayeva@mail.house.gov> Date: September 30, 2020 at 8:24:25 PM GMT+2 To: Irena Vidulovic <ividulovic@uscrr.gov> Subject: [EXTERNAL] FW: FOR IMMEDIATE RELEASE: Speier, Castro, and Engel Take On Harassment and Discrimination in the State Department

CAUTION: This email is from outside USCRR.

Hi Irena! I wanted to flag this release for you and the article about the bill <https://www.cnn.com/2020/09/30/politics/shape-act-state-department/index.html> Thanks for all your hard work advancing progress on this front! From: Manzer, Tracy <Tracy.Manzer@mail.house.gov> Sent: Wednesday, September 30, 2020 12:41 PM To: Manzer, Tracy <Tracy.Manzer@mail.house.gov> Subject: FOR IMMEDIATE RELEASE: Speier, Castro, and Engel Take On Harassment and Discrimination in the State Department

<mailto:Yana.Mayayeva@mail.house.gov>
<mailto:ividulovic@uscrr.gov>
https://url.emailprotection.link/?bv8o_D1_vC0Fu7dXo4Y1pPCIKxKBy7RQRXqHn3OQbmWpD9h0MzwxLEEtNgAD6LR9FXeUzb6_5JRypcuqsi5Sb2d7KIT_82vKe_ujFX5sevTB85_MiXxCzABL94XKw
https://url.emailprotection.link/?bv8o_D1_vC0Fu7dXo4Y1pPCIKxKBy7RQRXqHn3OQbmWpD9h0MzwxLEEtNgAD6LR9FXeUzb6_5JRypcuqsi5Sb2d7KIT_82vKe_ujFX5sevTB85_MiXxCzABL94XKw
<mailto:Tracy.Manzer@mail.house.gov>
<mailto:Tracy.Manzer@mail.house.gov>

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Date : 10/6/2020 9:50:27 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : Kathy/Diego meeting <https://us02web.zoom.us/j/84360278151?pwd=aUQrL3JKT3RCOXRSnNveHBQL2ZNdz09> Hi Diego, I realized it's been awhile since we checked in, but we have a deadline on Friday. Would you like to see if we can meet this Friday, but have flexibility to reschedule if needed? -Kathy

<https://us02web.zoom.us/j/84360278151?pwd=aUQrL3JKT3RCOXRSnNveHBQL2ZNdz09>

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Date : 10/6/2020 9:16:30 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Chris Goode" goodechr@gmail.com Subject : RE: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights Hi Chris, I'm happy to chat with you about this. I have time to talk for a few minutes at 1:00 or 4:00 pm today or 9:00 am tomorrow. Do any of those times work for you? -Kathy From: Chris Goode <goodechr@gmail.com> Sent: Thursday, October 8, 2020 8:38 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Thank you for initiating the notice yesterday Katherine, I appreciate it. If you have a second would you mind sharing a little feedback with me on my interview? Any helpful feedback on things I could improve upon for next time would be appreciated. Thank you, Chris. On Wed, Oct 7, 2020 at 1:52 PM Chris Goode <goodechr@gmail.com> wrote:

Good afternoon Katherine, I'm following up on my interview for the social scientist position on your team. I appreciate the time you gave me to communicate my interest in the position, and wondered if there was any updated information you could provide me on the progress of the search. I'm looking forward to hearing back from you. Thank you, Chris Goode. On Mon, Aug 31, 2020 at 11:53 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Terrific! I'll call you at the number listed on your resume (808-209-5587), if that works for you. From: Chris Goode <goodechr@gmail.com> Sent: Monday, August 31, 2020 11:48 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

<mailto:goodechr@gmail.com>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
<mailto:goodechr@gmail.com>
<mailto:kculliton-gonzalez@usccr.gov>

CAUTION: This email is from outside USCCR.

Good afternoon Ma'am I would love to talk tomorrow, 11am works great. Thank you for your time, Chris. On Mon, Aug 31, 2020 at 9:47 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Dear Mr. Goode,

I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open.

I am sorry for the short notice, but wonder if you are free tomorrow (Tuesday 9/1) at 11:00 am?

If not, we can find another time.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

Please let me know.

Thanks & best regards,

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

www.usccr.gov

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Date : 10/8/2020 9:24:03 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Chris Goode" goodechr@gmail.com Subject : RE: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights My pleasure - I'll call you then. From: Chris Goode <goodechr@gmail.com> Sent: Thursday, October 8, 2020 9:18 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: Re: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Thank you so much, 4pm today would be great. My # is 808.209.5587. Again I really appreciate you taking time to chat, Chris On Thu, Oct 8, 2020 at 9:16 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Hi Chris, I'm happy to chat with you about this.

I have time to talk for a few minutes at 1:00 or 4:00 pm today or 9:00 am tomorrow. Do any of those times work for you?

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

-Kathy

From: Chris Goode <goodechr@gmail.com>

Sent: Thursday, October 8, 2020 8:38 AM

To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>

Subject: Re: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Thank you for initiating the notice yesterday Katherine, I appreciate it.

<mailto:goodechr@gmail.com>
<mailto:kculliton-gonzalez@usccr.gov>

If you have a second would you mind sharing a little feedback with me on my interview? Any helpful feedback on things I could improve upon for next time would be appreciated.

Thank you,

Chris.

On Wed, Oct 7, 2020 at 1:52 PM Chris Goode <goodechr@gmail.com> wrote:

Good afternoon Katherine,

<mailto:goodechr@gmail.com>

I'm following up on my interview for the social scientist position on your team. I appreciate the time you gave me to communicate my interest in the position, and wondered if there was any updated information you could provide me on the progress of the search. I'm looking forward to hearing back from you.

Thank you,

Chris Goode.

On Mon, Aug 31, 2020 at 11:53 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

Terrific! I'll call you at the number listed on your resume (808-209-5587), if that works for you.

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

From: Chris Goode <goodechrist@gmail.com>

Sent: Monday, August 31, 2020 11:48 AM

To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>

Subject: [EXTERNAL] Re: interview at U.S. Commission on Civil Rights

CAUTION: This email is from outside USCCR.

Good afternoon Ma'am

<mailto:goodechrist@gmail.com>
<mailto:kculliton-gonzalez@usccr.gov>

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Thank you for your time,

Chris.

On Mon, Aug 31, 2020 at 9:47 AM Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> wrote:

<mailto:kculliton-gonzalez@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>

Dear Mr. Goode,

I would like to schedule a short phone interview with you, regarding the Social Scientist position you applied for at the U.S. Commission on Civil Rights. I am the Director of the Office of Civil Rights Evaluation, which is the office with the position open.

I am sorry for the short notice, but wonder if you are free tomorrow (Tuesday 9/1) at 11:00 am?

If not, we can find another time.

Please let me know.

Thanks & best regards,

Katherine Culliton-Gonzalez, Esq.

Director, Office of Civil Rights Evaluation

U.S. Commission on Civil Rights

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Date : 10/8/2020 10:42:20 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Irena Vidulovic" ividulovic@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Rukku Singla" rsingla@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Nicholas Bair" nbair@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "Pilar McLaughlin" pmclaughlin@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Joyce Liu" jliu@veng-group.com, "Tina Louise Martin" tmartin@usccr.gov Subject : RE: Zoom Planning for Maternal Health Virtual Briefing I may be a bit late due to the Broken Promises update report deadline tomorrow but Nick will be on at 11:00 for OCRE. From: Irena Vidulovic <ividulovic@usccr.gov> Sent: Thursday, October 8, 2020 10:35 AM To: Mauro Morales <mmorales@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; Nicholas Bair <nbair@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Pilar McLaughlin <pmclaughlin@usccr.gov>; Angelia Rorison <arorison@usccr.gov>; Vincent A. Eng <veng@veng-group.com>; Joyce Liu <jliu@veng-group.com>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Tina Louise Martin <tmartin@usccr.gov> Subject: Re: Zoom Planning for Maternal Health Virtual Briefing

Hello Team,

Please find our meeting agenda with updates attached.

I look forward to the meeting today.

Irena

From: Mauro Morales Sent: Monday, October 5, 2020 12:43:56 PM To: Rukku Singla; Irena Vidulovic; Zakee Martin; Pamela Dunston; Nicholas Bair; Maureen Rudolph; Pilar McLaughlin; Angelia Rorison; Vincent A. Eng; Joyce Liu; Katherine Culliton-Gonzalez; gfosten@usccr.gov Subject: Zoom Planning for Maternal Health Virtual Briefing When: Thursday, October 8, 2020 11:00 AM-12:00 PM. Where: <https://us02web.zoom.us/j/82878987131?pwd=b3RsOTBPK2RiWVVB2SWNST0VBZjBUZz09> Mauro Morales is inviting you to a scheduled Zoom meeting.

<mailto:gfosten@usccr.gov>

<https://us02web.zoom.us/j/82878987131?pwd=b3RsOTBPK2RiWVVB2SWNST0VBZjBUZz09>
<https://us02web.zoom.us/j/82878987131?pwd=b3RsOTBPK2RiWVVB2SWNST0VBZjBUZz09>

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<mailto:82878987131@zoomcrc.com>

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Date : 10/20/2020 4:54:57 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Applications Update Hi Julia, that's great news! For the two other opportunities you mention below, did you want me to send the same as I sent for your clerkship? -Kathy From: Juliette Singarella <jrs436@georgetown.edu> Sent: Tuesday, October 20, 2020 4:18 PM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Applications Update

CAUTION: This email is from outside USCCR.

Hi Kathy, Happy Tuesday! I hope you are doing well. I wanted to reach out and give you an update on the job search and the fellowship applications. First, I have just started to hear back from clerkships! I have an interview tomorrow with a judge at the DC Superior Court, which I am really looking forward to. She stated that she was really impressed by my letters of recommendation when she reached out to me with the interview offer, so thank you for that! Second, I am currently getting my application together for a fellowship at If/When/How—a reproductive justice organization, and Georgetown's Women's Law and Public Policy Fellowship Program—both with the clinical (with the Domestic Violence Clinic) and non-clinical positions. The If/When/How Application is due on Monday, November 2, and the WLPPFP application is due on Friday, November 6. I am hoping to get both of those done and submitted by October 30. You can email the letter of recommendation separately around the same time. I will let you know on the day that I actually submit both applications, in case I end up submitting earlier or later than that date, but I wanted to let you know now in case you are making any final edits or have any questions. The non-clinical WLPPFP email is morrisjc@georgetown.edu, and the clinical WLPPFP email is dvclinic@law.georgetown.edu. The If/When/How email is RJFP@ifwhenhow.org. Thanks so much for everything! Best, Juliette

<mailto:morrisjc@georgetown.edu>

<mailto:dvclinic@law.georgetown.edu>

<mailto:RJFP@ifwhenhow.org>

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Date : 10/22/2020 1:47:28 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "ocre" ocre@usccr.gov Cc : "DIEGO ALVAREZ- OCRE Intern" ocreintern746b@usccr.gov, "Shelby Taylor" st5082a@student.american.edu, "Diego Alvarez" dalvarez@j22.law.harvard.edu Subject : FW: U.S. Commission on Civil Rights Virtual Public Briefing: Racial Disparities in Maternal Health (Save the Date) Staff please plan to attend –

Save the Date and Call for Public Comments

Virtual Public Briefing Racial Disparities in Maternal Health November 13, 2020 | Washington, DC

The U.S. Commission on Civil Rights will hold a virtual briefing on November 13, 2020, on maternal health disparities in the United States. The Commission’s investigation seeks to examine the federal role in addressing racial disparities in maternal health outcomes, including negative pregnancy-related health outcomes and pregnancy-related deaths of women in the United States.

mailto:maternalhealth@usccr.gov

DATE: Friday, November 13, 2020

LOCATION: The briefing will be live-streamed.

AGENDA: Briefing (expert panels): 10:00 am – 1:30 pm ET* Open Comment Session (public testimony): Written comments submitted to maternalhealth@usccr.gov by December 14. *Schedule subject to change

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state

Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For information about the Commission, please visit www.usccr.gov and on Twitter and

Facebook.

Plenario Público Virtual Disparidades Raciales en la Salud Maternal

13 de noviembre 2020 | Washington, DC La Comisión de Derechos Civiles va a realizar un plenario virtual este 13 de noviembre sobre disparidades en la salud maternal en los Estados Unidos. La investigación trata de examinar al papel federal en relación con los resultados de disparidades en la salud maternal en los Estados Unidos, incluyendo a resultados negativos de embarazos y a muertes de mujeres ocurriendo en conexión con sus embarazos.

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Servicios Humanos en Asociación con los Estados para Dirigirse a Disparidades en la Salud. Los Comisionados van a escuchar a expertos en el asunto, tal como oficiales del gobierno, profesores, proveedores de servicios de la salud, abogados, y personas impactadas. Además, la Comisión va a aceptar materias escritas del público para consideración en la preparación del nuestro informe; hay que someter sus comentarios a maternalhealth@usccr.gov, y la fecha límite es el 14 de diciembre del 2020. Desde esta investigación, la Comisión planea a publicar a un informe para enfrentar a este tema importante de derechos civiles. FECHA: Viernes, 13 de noviembre, 2020

LUGAR: El plenario va a ser transmitido en vivo.

AGENDA: Plenario (paneles de expertos): 10:00 am – 1:30 pm hora del este (ET)* Sesión de Comentarios Abierto (testigos del público): Comentarios Escritos deben ser sometidos a maternalhealth@usccr.gov no más tarde que el 14 de diciembre. *El horario puede cambiar.

###

La Comisión de Derechos Civiles de los EE.UU., establecida por el Acta de Derechos Civiles del 1957, es la única agencia independiente y bipartita encargada a aconsejar al

Presidente y Congreso sobre los derechos civiles, y reportando anualmente sobre la aplicación de los derechos civiles. Nuestras 51 Comités Estatales ofrecen una perspectiva amplia de los asuntos de derechos civiles al nivel estatal y local. La Comisión: en nuestra séptima década, un legado continuo en derechos civiles. Para más información sobre la

Comisión, por favor de visitar a www.usccr.gov, y seguimos en Twitter y Facebook.

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mailto:maternalhealth@usccr.gov

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mailto:publicaffairs@usccr.gov

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Date : 11/10/2020 10:53:06 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Rukku Singla" rsingla@usccr.gov, "Angelia Rorison" arorison@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Nicholas Bair" nbair@usccr.gov, "Pamela Dunston" pdunston@usccr.gov, "Vincent A. Eng" veng@veng-group.com, "Gerald Fosten" gfosten@usccr.gov, "Joyce Liu" jliu@veng-group.com, "Zakee Martin" zmartin@usccr.gov, "Pilar McLaughlin" pmclaughlin@usccr.gov, "Maureen Rudolph" mrudolph@usccr.gov, "Irena Vidulovic" ividulovic@usccr.gov Subject : RE: Social Media Toolkit for Virtual Briefing on Maternal Health Panelists I have no further comments. I agree this is great! I also would prefer the not-GIF because peoples' eyes are tired these days (at least in my case). From: Rukku Singla <rsingla@usccr.gov> Sent: Tuesday, November 10, 2020 10:48 AM To: Angelia Rorison <arorison@usccr.gov>; TinaLouise Martin <tmartin@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Nicholas Bair <nbair@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; Vincent A. Eng <veng@veng-group.com>; Gerald Fosten <gfosten@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Zakee Martin <zmartin@usccr.gov>; Pilar McLaughlin <pmclaughlin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Irena Vidulovic <ividulovic@usccr.gov> Subject: Re: Social Media Toolkit for Virtual Briefing on Maternal Health Panelists My edits/comments in the attached. This is great!

From: Angelia Rorison <arorison@usccr.gov> Date: Monday, November 9, 2020 at 4:40 PM To: TinaLouise Martin <tmartin@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Nicholas Bair <nbair@usccr.gov>; Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; Pamela Dunston <pdunston@usccr.gov>; "Vincent A. Eng" <veng@veng-group.com>; Gerald Fosten <gfosten@usccr.gov>; Joyce Liu <jliu@veng-group.com>; Zakee Martin <zmartin@usccr.gov>; Pilar McLaughlin <pmclaughlin@usccr.gov>; Maureen Rudolph <mrudolph@usccr.gov>; Rukku Singla <rsingla@usccr.gov>; Irena Vidulovic <ividulovic@usccr.gov> Subject: Social Media Toolkit for Virtual Briefing on Maternal Health Panelists

Hello All,

Please find the attached social media toolkit for your review and edits asap.

<mailto:arorison@usccr.gov>
<mailto:tmartin@usccr.gov>
<mailto:mmorales@usccr.gov>
<mailto:nbair@usccr.gov>
<mailto:kculliton-gonzalez@usccr.gov>
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<mailto:mrudolph@usccr.gov>
<mailto:rsingla@usccr.gov>
<mailto:ividulovic@usccr.gov>

Thanks so much,

Ang

From: TinaLouise Martin Sent: Thursday, November 5, 2020 11:53 AM To: TinaLouise Martin; Mauro Morales; Nicholas Bair; Katherine Culliton-Gonzalez; Pamela Dunston; Vincent A. Eng; Gerald Fosten; Joyce Liu; Zakee Martin; Pilar McLaughlin; Angelia Rorison; Maureen Rudolph; Rukku Singla; Irena Vidulovic Subject: Planning for Virtual Briefing on Maternal Health When: Tuesday, November 10, 2020 12:00 PM-1:00 PM. Where: <https://us02web.zoom.us/j/89857354833?pwd=SWlneXhnUVRlREN6eThlOGdYNUlDQT09>

TinaLouise Martin is inviting you to a scheduled Zoom meeting.

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213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

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Date : 11/20/2020 10:33:17 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Juliette Singarella" jrs436@georgetown.edu Subject : RE: [EXTERNAL] Clerkship with Judge Israel! Congratulations!! I have every confidence you will be a great law clerk! And you'll learn a lot. Thanks so much for letting me know. If you send a letter we'll get it eventually from the mail, but it's probably better just to email it. If you don't mind, I'm copying Mauro, as I'm sure he will also want to congratulate you! All the best, Kathy From: Juliette Singarella <jrs436@georgetown.edu> Sent: Friday, November 20, 2020 10:30 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Subject: [EXTERNAL] Clerkship with Judge Israel!

CAUTION: This email is from outside USCCR.

Hi Kathy, I wanted to let you know that I accepted an offer to clerk with Judge Israel at the DC Superior Court on the Domestic Relations calendar! I am so excited for this chapter in my legal journey; Judge Israel is really passionate about bettering the DC community, and I believe working on the family law calendar will be a perfect foray into working on broader issues of women's rights. I am so grateful for all your support these past few years and for being such an incredible mentor. I wanted to send you a more official thank you—is the best place to send something to you the Commission? Please let me know! All the best, Juliette

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Date : 12/1/2020 2:18:39 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "ocre" ocre@usccr.gov, "DIEGO ALVAREZ– OCRE Intern" ocreintern746b@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu Subject : OCRE team meeting RE Census data

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Date : 12/7/2020 12:16:39 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "monday.com" no_reply@monday.com Subject : Automatic reply: [EXTERNAL] [monday.com] Your daily highlights from U.S. Commission on Civil Rights To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 12/7/2020 2:01:17 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Key Executive Leadership Programs, American University" key@american.edu Subject : Automatic reply: [EXTERNAL] Executive Leaders Podcast | New Episode Online Today! To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 12/7/2020 2:51:16 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "noreply@alumni.arnoldporter.com" noreply@alumni.arnoldporter.com Subject : Automatic reply: [EXTERNAL] Reminder: Join Arnold & Porter's Alumni Alliance Portal — ACCESS To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

1966.pdf

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Date : 12/8/2020 1:21:32 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "reports@intermedia.net" reports@intermedia.net Subject : Automatic reply: Email Quarantine Report (kculliton- gonzalez@usccr.gov) - 12/8/20 To Whom It May Concern,

I'll be out of the office from 8/22 until 8/31.

If you need anything urgently, please contact other Commission staff, or send me a text.

Best regards, Kathy

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Date : 12/8/2020 4:22:55 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "mary.gibert@gsa.gov" mary.gibert@gsa.gov Subject : Accepted: [EXTERNAL] Invitation: Second Term/Presidential Transition planning efforts for ... @ Tue Dec 15, 2020 3pm - 4pm (EST) (kculliton-gonzalez@usccr.gov)

1988.pdf

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Date : 12/9/2020 9:29:03 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "ocre" ocre@usccr.gov, "DIEGO ALVAREZ– OCRE Intern" ocreintern746b@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Rukku Singla" rsingla@usccr.gov Cc : "Nicholas Bair" nbair@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Gerald Fosten" gfosten@usccr.gov, "Julie Grieco" jgrieco@usccr.gov Subject : OCRE team meeting RE Census data

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Date : 12/9/2020 11:00:38 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Julie Grieco" jgrieco@usccr.gov, "ocre" ocre@usccr.gov, "DIEGO ALVAREZ– OCRE Intern" ocreintern746b@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Rukku Singla" rsingla@usccr.gov Cc : "Nicholas Bair" nbair@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Gerald Fosten" gfosten@usccr.gov Subject : RE: OCRE team meeting RE Census data And here's some documents I will discuss in the intro: https://www.supremecourt.gov/opinions/15pdf/14-940_ed9g.pdf (Evenwel v. Abbott 2019 decision) and <https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-alien-apportionment-base-following-2020-census/> (Presidential Memorandum of 2020); and "US v NY oral argument.11.30.20.pdf (U.S. v. NY oral argument before the Supreme Court on 11/30/20). See also <http://immigrationcourtside.com/wp-content/uploads/2018/11/Culliton-Gonzalez.pdf> (discussion of history of 14th amendment). There's no need to read them, but I wanted to share some of my sources. From: Julie Grieco <jgrieco@usccr.gov> Sent: Wednesday, December 9, 2020 10:54 AM To: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov>; ocre <ocre@usccr.gov>; DIEGO ALVAREZ– OCRE Intern <ocreintern746b@usccr.gov>; Diego Alvarez <dalvarez@jd22.law.harvard.edu>; Rukku Singla <rsingla@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov>; Marik Xavier-Brier <mxavierbrier@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Latrice Foshee <lfoshee@usccr.gov>; Gerald Fosten <gfosten@usccr.gov> Subject: RE: OCRE team meeting RE Census data Hi everyone, Attached is a Word doc of resources I will be going over on the 11:00 Zoom. Thank you,

Julie -----Original Appointment----- From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Wednesday, December 9, 2020 9:29 AM To: ocre; DIEGO ALVAREZ– OCRE Intern; Diego Alvarez; Rukku Singla Cc: Nicholas Bair; Marik Xavier-Brier; Mauro Morales; Zakee Martin; Latrice Foshee; Gerald Fosten; Julie Grieco Subject: OCRE team meeting RE Census data When: Wednesday, December 9, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada). Where: Zoom to be sent

- https://www.supremecourt.gov/opinions/15pdf/14-940_ed9g.pdf
- <https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-alien-apportionment-base-following-2020-census/>
- <https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-alien-apportionment-base-following-2020-census/file:///C:/Users/kculliton-gonzalez/Documents/US%20v%20NY%20oral%20argument.11.30.20.pdf>
- <http://immigrationcourtside.com/wp-content/uploads/2018/11/Culliton-Gonzalez.pdf>
- <mailto:kculliton-gonzalez@usccr.gov>

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Date : 12/9/2020 11:01:54 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "Julie Grieco" jgrieco@usccr.gov, "ocre" ocre@usccr.gov, "DIEGO ALVAREZ– OCRE Intern" ocreintern746b@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Rukku Singla" rsingla@usccr.gov Cc : "Nicholas Bair" nbair@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Gerald Fosten" gfosten@usccr.gov Subject : RE: OCRE team meeting RE Census data - ZOOM Here's the Zoom for our 11:00 meeting: <https://us02web.zoom.us/j/87563227625?pwd=R0dlWHRaMnNmZg0eXRFZFppcG1oZ099> - please join From: Katherine Culliton-Gonzalez <kculliton-gonzalez@usccr.gov> Sent: Wednesday, December 9, 2020 11:01 AM To: Julie Grieco <jgrieco@usccr.gov>; ocre <ocre@usccr.gov>; DIEGO ALVAREZ– OCRE Intern <ocreintern746b@usccr.gov>; Diego Alvarez <dalvarez@jd22.law.harvard.edu>; Rukku Singla <rsingla@usccr.gov> Cc: Nicholas Bair <nbair@usccr.gov>; Marik Xavier-Brier <mxavierbrier@usccr.gov>; Mauro Morales <mmorales@usccr.gov>; Zakee Martin <zmartin@usccr.gov>; Latrice Foshee <lfoshee@usccr.gov>; Gerald Fosten <gfosten@usccr.gov> Subject: RE: OCRE team meeting RE Census data And

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Julie

<https://us02web.zoom.us/j/87563227625?pwd=R0dlWHRaMnNgMzg0eXRFRFZpZG1oZz09>
<https://us02web.zoom.us/j/87563227625?pwd=R0dlWHRaMnNgMzg0eXRFRFZpZG1oZz09>
https://www.supremecourt.gov/opinions/15pdf/14-940_ed9g.pdf
<https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/>
<https://www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/>
<file:///C:/Users/kculliton-gonzalez/Documents/US%20v%20NY%20oral%20argument.11.30.20.pdf>
<http://immigrationcourtside.com/wp-content/uploads/2018/11/Culliton-Gonzalez.pdf>

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<mailto:kculliton-gonzalez@usccr.gov>

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Date : 12/9/2020 10:23:18 AM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "ocre" ocre@usccr.gov, "DIEGO ALVAREZ– OCRE Intern" ocreintern746b@usccr.gov, "Diego Alvarez" dalvarez@jd22.law.harvard.edu, "Rukku Singla" rsingla@usccr.gov, "TinaLouise Martin" tmartin@usccr.gov Cc : "Nicholas Bair" nbair@usccr.gov, "Marik Xavier-Brier" mxavierbrier@usccr.gov, "Mauro Morales" mmorales@usccr.gov, "Zakee Martin" zmartin@usccr.gov, "Latrice Foshee" lfoshee@usccr.gov, "Gerald Fosten" gfosten@usccr.gov, "Julie Grieco" jgrieco@usccr.gov Subject : OCRE team meeting RE Census data

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Date : 12/11/2020 4:00:33 PM From : "Katherine Culliton-Gonzalez" kculliton-gonzalez@usccr.gov To : "mary.gibert@gsa.gov" mary.gibert@gsa.gov Subject : Accepted: [EXTERNAL] Updated invitation: Second Term/Presidential Transition planning efforts for ... @ Wed Dec 16, 2020 4pm - 5pm (EST) (kculliton-gonzalez@usccr.gov)