

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

August 24, 2016

Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

Since the June 12th terrorist attack on Orlando's Pulse nightclub, my office and I have worked to make sure survivors and victims' loved ones promptly receive all the federal assistance they need and should be receiving under the law. Unfortunately, one impediment to assisting Pulse victims has been the Federal Bureau of Investigation's (FBI) policy as it relates to FBI intake forms filled out by individuals in the immediate aftermath of the attack.

Because these forms contained both the FBI and City of Orlando logos as well as a long list of services, both city officials and many of the nearly 1,000 applicants believed filling out these forms would be sufficient in order to coordinate resources for the victims and affected families. However, only later did the FBI inform the city it would not share copies of the intake forms, leaving the city with no other way of obtaining information regarding the victims' needs. This has resulted in an unknown number of my constituents – who believed they were applying for aid two months ago – receiving no assistance from the local agency, because only the FBI knows who they are and has the contact information to follow up with them. These cases have fallen into what is essentially a black hole.

The accompanying July 16th Orlando Sentinel article details this problem and many of the people who have been impacted by it.

When I visited Orlando on July 19, I publicly raised this issue as a concern that needed to be resolved. I appreciate your willingness to discuss this matter with me via phone on August 23 and your verbal commitment to do what you can to resolve the matter immediately.

I understand there are privacy concerns regarding the fact the forms in question are part of an ongoing investigation into a terrorist attack on U.S. soil. However, I believe there should be some way to strike a balance between those privacy concerns and making sure my constituents receive the assistance they need – and that many thought they were applying for when they filled out these forms in the first place. These potential solutions could include, but are not limited to, the following:

- The FBI could contact each person who filled out forms, either by phone or certified U.S. mail, notify them of the need to complete additional forms, and provide a direct phone number or email address to do so.

- The FBI could provide the City of Orlando with the first page of each applicant's Family Assistance Center intake form, which only contains their contact information and the boxes they checked to request specific services. If any additional, sensitive information has been written on a form, the FBI could reserve the right to block that particular information when sharing the form.

As you can imagine, the people who filled out these forms and are now stuck in this bureaucratic logjam have been through a lot in trying to recover physically and mentally and pick up the pieces of their lives. The last thing that should be expected of them now is chasing paperwork, which is what they are essentially being asked to do.

It's my hope that fixing this bureaucratic entanglement for the people of Orlando will ensure any future victims of similar tragedies do not encounter the same delays or obstacles. To that end, I formally request the FBI officially change its internal policy on these intake forms to avoid confusion going forward. This could include, but is not limited to, adopting any of the following approaches:

- The FBI and local government will each provide separate forms to the victims at the time they are filled out;
- The FBI form could include a disclaimer at the top making clear that its form is only for purposes of the FBI's investigation, and that a separate victims assistance form must be filled out;
- The FBI could ensure that none of its intake forms include the extensive checklist of victims' services being sought, as was the case in Orlando.

I respectfully request your urgent assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MR', followed by a long horizontal flourish.

Marco Rubio
United States Senator

Orlando Sentinel

Orlando official blames FBI for delayed aid to some Pulse victims

By: Christal Hayes, Orlando Sentinel

July 16, 2016 4:23 PM

Miguel Leiva hobbled inside Camping World Stadium using crutches.

He'd just been released from the hospital after being shot twice during the Pulse massacre. He was supposed to be in bed healing but heard he could get immediate help with his rent and bills at the temporary Family Assistance Center established by the City of Orlando.

The 29-year-old father filled out paperwork, then went home to his small Sanford apartment and waited.

He's been waiting for more than a month, and bills have piled up—but no help has arrived.

What he didn't know at the time was that the forms he filled out didn't go to the city. Instead, it is now evidence being used by the FBI.

"I do remember speaking to an FBI agent but they told me all of this was to get help," he said. "I can't believe it. I knew not to count on it completely because I know not to count my eggs before they hatch, but that's scary."

The City of Orlando says the FBI operated intake for the 956 people at the stadium for the seven days it was used as an assistance center. The bureau

took down names of each person and the type of support they needed, including help with bills, counseling and travel.

The city says it never received Leiva's or many of the other victims' information.

"Unfortunately, that information has not been shared with us and so we're a little behind getting help to some people," said Kathy DeVault, who runs the assistance center for the City of Orlando. "We get people who say they applied for rental assistance and haven't received any help, but we don't have a database to search because the FBI has it."

After operating at Camping World Stadium for a week, the city opened an assistance center at 507 E. Michigan St. on June 23 to connect those affected by the tragedy to agencies that could help them.

About \$20 million has been raised for victims as part of the OneOrlando Fund but that money won't be dispersed until October. The assistance center is aimed at helping those with immediate needs, such as bills.

DeVault said the center has gotten calls from victims who applied and haven't received help. She says each time her office has to call the bureau for information to see if they applied for benefits and what kind of help they needed.

"There's kind of a middle man now. That's the challenge we're in," she said. "We're definitely grateful for our partnership with the FBI, but it has created this lag time."

After asking why the assistance center doesn't have access to this information, the bureau said the victims' intake forms are protected under the privacy act and some contain information that's part of the active investigation into the shooting.

"There is a process in place that's been used in major terrorism and mass murder events and this just adds one more step to ensure the privacy of those affected or killed in this tragedy remains protected. That's a serious concern for us, but the priority is getting help to victims," said Special Agent Amy Pittman.

Pittman said Friday that part of this process requires the city asking for verification of victims, which she said shouldn't slow the process for those needing help.

She said this procedure helps eliminate fraudulent requests for assistance. She said if anyone affected by the shooting has applied for help and not heard back, they should contact the FBI and city's assistance center.

In the meantime, Leiva, a father of two and the sole provider for his household, was able to cobble together the cash to pay his rent—nearly 15 days after it was due. But he doesn't know how he's going to pay next month's.

Leiva started a GoFundMe account to help raise some funds for his medical bills since he doesn't have health insurance. He is healing slowly and going to physical therapy twice a week but the emotional trauma is taking longer to recover from.

After being shot once, he suffered for hours inside a Pulse bathroom stall the morning of June 12 with at least a dozen others, many of whom he said had already succumbed to their injuries by the time SWAT officials blasted holes in the nightclub. He was shot again while trying to escape as law enforcement and the gunman exchanged fire.

"I still can't sleep," he said. "I'll be having a normal conversation with someone and then I'm back in that bathroom."

Before the massacre, he worked on construction sites, operating a 120-pound saw used to cut heavy slabs of concrete. He doesn't know if his injuries will

prevent him from going back to his career but without an income, he's trying to find a job he can do in the meantime to pay the bills that have racked up.

He isn't alone with the financial worries. Even victims who applied for help in the weeks after the shooting are waiting for help.

Jose "Junior" Martinez was shot twice inside Pulse. He's recovering at a family friend's home and has been out of work for more than a month. The electricity at his place was recently turned off.

"We're definitely struggling," said close friend and roommate Javier Rosales. "I've been by his side with all this, which has meant we both haven't been working."

Rosales, 38, said he's been helping take care of Martinez, who has been on bed rest for weeks. He said he's going back to work because the bills have piled up.

Martinez went to the permanent assistance center this week to get help and is waiting to hear back.

"We applied for help with rent and our light bill but it's just a long process," he said. "They refer us to one place then we go there, then we have to wait another for our application to be processed, so it's just a long process."

DeVault said "the sheer number" of people who've asked for help has slowed the process but they are working to speed up things for those affected by the tragedy.

"It does take some time, but we're doing our best to handle things on a case-by-case basis," she said.

She said last week someone reported their power had been turned off, but because of the relationships they've developed with various agencies, they were able to have the power back on within about an hour.

"We try to expedite the application process, so yes, there's still a process but if there are things we can do, we try to help," DeVault said.

She said the assistance center is still getting about 50 calls daily. Four victim advocates are on staff helping those who walk in or make appointments. They anticipate keeping the center open for about a year as the needs of those affected continue to change.

If you are a victim of the tragedy or were affected and need help, go to www.cityoforlando.net/hope or www.fbi.gov/orlandovictims.

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