

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2266 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICE:
2201 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

Congress of the United States
House of Representatives
Washington, DC 20515-1304

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FINANCIAL SERVICES

SUBCOMMITTEES:

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POLICY, TRADE AND TECHNOLOGY
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BORDER SECURITY, AND INTERNATIONAL LAW

May 4, 2011

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

I write to you today regarding an issue of great urgency to the people of Puerto Rico and personal relevance to me. I am deeply worried about the decision by the Commonwealth of Puerto Rico and the Puerto Rico Energy Power Agency (PREPA) to rush the construction of a 92-mile gas pipeline and the impact this ill-conceived project is already having on the elderly residents who live on the route of the proposed pipeline.

Locally known as the Via Verde or Gasoducto, this pipeline is expected to distribute natural gas from the Penuelas/Guayanilla area to the Arecibo area on to Palo Seco and San Juan. Although the majority of the Puerto Rican people oppose the creation of this pipeline, the Government of Puerto Rico has denied its people an opportunity to express their views in public hearings and continues to move forward with the development of the pipeline. Citizens, experts and both the U.S. Fish & Wildlife Service (F&W) and the U.S. Environmental Protection Agency (EPA) have all expressed serious concerns regarding the pipeline's potential for environmental and public harm. These concerns weigh heavily on me considering the magnitude of this project, estimated to cost almost half a billion dollars and potentially impacting nearly 300 bodies of water.

I recently received 41 affidavits from elderly residents residing in four of the towns located on the route of the proposed pipeline and they all tell a repeated and chilling story. I have attached all of them for your review. It is clear from these sworn statements that many elderly residents, all of whom are under the protection of the Older Americans Act, are being deeply affected and their rights under that federal statute and the Constitution may be being violated by the Commonwealth of Puerto Rico and PREPA. Furthermore, I understand that the actions described by the elderly and the policies that seem to guide these actions may very well be an open violation of the Civil Rights Act, the Americans with Disabilities Act and the Age Discrimination in Employment Act, among others, and I request a formal investigation from the Department of Justice.

I would appreciate your office's assistance in establishing whether there is reasonable cause to believe that any person or group is engaging in unlawful activity or practices that curtail the rights of this elderly population and if so found, I would ask that immediate action be taken against the perpetrators.

Your assistance regarding this urgent request would be greatly appreciated. If you have any further questions, please do not hesitate to contact me directly at (202) 225-8203. I look forward to your reply.

Sincerely,



Luis V. Gutierrez
Member of Congress