



One Hundred Ninth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

September 16, 2005

Mr. R. David Paulison
Acting Under Secretary of Emergency
Preparedness and Response
Federal Emergency Management Agency
500 "C" Street, S.W.
Washington, D.C. 20472

Dear Under Secretary Paulison:

I want to congratulate you again on your appointment as Acting Under Secretary of Homeland Security for Emergency Preparedness and Response and Administrator of the Federal Emergency Management Agency (FEMA). I particularly appreciate your call and invitation to discuss my concerns regarding FEMA. Therefore, I want to share my concerns about FEMA's commitment to diversity to your attention.

1) **Disaster Assistance:** As you know, under federal law, any person eligible to receive disaster aid or other services from FEMA is entitled to those benefits without discrimination. Title VI of the Civil Rights Act of 1964 protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance. Additionally, Section 308 of the Robert T. Stafford Emergency Management and Disaster Assistance Act prohibits discrimination on the basis of race, color, religion, nationality, sex, age, or economic status in all disaster assistance programs. I am certain that you are aware of these nondiscrimination requirements and will make every effort to ensure that disaster assistance provided to the victims of Hurricane Katrina will be fairly and equitably distributed. However, I cannot ignore the anecdotal reports alleging inequitable treatment by Hurricane victims in their attempts to access immediate disaster relief services. Actual or perceived inequity may hamper the ability of these Hurricane victims to have full access to all available federal benefits.

Therefore, I am requesting that you take immediate steps to assure that FEMA employees and contractors employed by FEMA to assist in disaster assistance application

and distribution are keenly aware of their legal duty to assure non-discrimination in disaster assistance programs.

Additionally, in reviewing FEMA's website, I discovered that there is a lack of transparency and clarity in informing disaster relief applicants of their legal right to nondiscrimination and mechanisms available to seek review and redress of discrimination allegations. Therefore, I am requesting that you immediately change your website to reflect the necessary information concerning nondiscrimination and the discrimination complaint process.

2) Contracting Opportunities: Section 307 of the Stafford Act requires that local firms and individuals be given a preference for contracts involving debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities. However, to expedite the delivery of goods and services to those most in need of help, many of the rules and regulations that normally govern the federal acquisitions process have been waived. These waivers may severely hamper the ability of local and regional small, disadvantaged, veteran, and women and minority-owned businesses to participate in the contracting process associated with the Hurricane Katrina relief and recovery process. These waivers combined with a lack of notice for contracting opportunities will not only increase the difficulty for small businesses to participate in the relief and recovery process but will also diminish FEMA's ability to carry out its responsibilities under section 307 of the Stafford Act. Diminished participation of these local and regional businesses will adversely impact the ability of the affected communities to rebuild their economies and begin a process of sustainable economic development. Therefore, I am requesting that you provide me with information on the steps you will take to ensure full compliance with Section 307 of the Stafford Act affording a preference to local businesses. Additionally, I am requesting that you provide me with information concerning FEMA's efforts to ensure that small, disadvantaged, veteran, and women-owned businesses are given opportunities to contract and subcontract on Katrina-related procurements. In particular, I would suggest that FEMA include a requirement in every contract awarded for an amount over \$2 million that the contractor provides documentation of their efforts to include small and disadvantaged businesses as subcontractors. Moreover, I would suggest that FEMA undertake efforts to assure that small and disadvantaged businesses can fully participate as prime contractors by developing a database of small, minority and disadvantaged businesses that wish to participate in the recovery and rebuilding process. Finally, I would urge you to find a way to assure the Federal goal of 23% small and minority business participation is met in FEMA's Hurricane Katrina related expenditures.

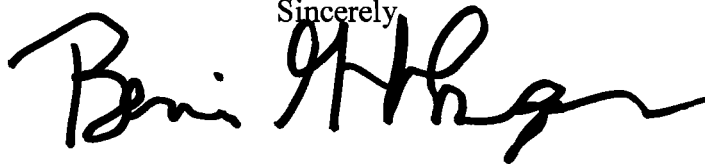
3) Senior Staff Employment: I have been informed that there is a lack of diversity within the ranks of senior career and non-career staff at FEMA. For instance, I have received information that indicates that of the 20 people listed as "Senior Staff" on FEMA's website, both at headquarters and in the regional offices, there are very few women and minorities. Please provide me a specific breakdown of those people. While I understand the need to assure qualifications and merit govern the hiring and promotion process, if accurate, these numbers seem abysmally low. Hopefully, these numbers are

not reflective of the diversity within the agency as a whole. During your tenure, I would encourage you to take additional steps to diversify the management and supervisory staff at all levels of FEMA.

4) Equal Employment Opportunity (EEO) Complaints: According to NO FEAR Act data which appears on FEMA's website, discrimination complaints within FEMA have increased from 60 in 2004 to almost 200 so far this year. This three-fold increase in the number complaints filed is troubling. Further, according to FEMA data, despite this increase in complaints, the FEMA EEO office has not, at any time in the last 3 years, found any instance of discrimination in which the agency was culpable. Such a result stretches credulity. Therefore, I am requesting that you work with the Office of Civil Rights and Civil Liberties within the Department of Homeland Security to undertake a serious examination of the EEO complaint process within FEMA and determine whether adequate and efficient investigations are occurring.

In closing, again, I congratulate you on your appointment and look forward to receiving your response concerning issues raised in this letter no later than October 15, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie G. Thompson", written over a horizontal line.

Bennie G. Thompson

Ranking Member

Committee on Homeland Security