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June 21, 2004

**Sen. Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510
Fax # 202-228-0282**

Dear Senator Clinton:

The purpose of this letter is to bring to your attention the severe deterioration of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) under the current Administration, and to ask for your help in reversing the process before it is too late.

Over the past three years, FEMA has gone from being a model agency to being one where funds are being misspent, employee morale has fallen, and our Nation's emergency management capability is being eroded. Seasoned staff members are being pushed aside to make room for inexperienced novices and contractors. Funds are misspent, but the IG staff say they are "too busy" to investigate, and consequently our emergency management programs are falling apart. In the words of one State emergency management director, "it is like a stake has been driven into the heart of emergency management." In a recent survey, 60% of FEMA Headquarters employees who responded said they would probably leave FEMA and take another job if one were offered, and nearly 75% said they would retire immediately if they could do so.

If FEMA's emergency management capability is to be restored, this deterioration must stop. This letter requests that Congress direct the U.S. General Accounting Office to fully investigate FEMA's operations, including FEMA hiring, contracting and spending practices, and that a freeze be placed on all new hires and contracts at FEMA until the review can be completed.

FEMA Background and History

By way of background, FEMA was created as an independent Federal agency by President Carter in 1979 to coordinate the Federal Government's emergency management functions. But under the Reagan and Bush Administrations, the

agency became known as a "dumping ground" for less-than-competent political appointees, and FEMA did not enjoy a good reputation.

In 1989 and again in 1992, FEMA was unable to respond quickly when major hurricanes struck the east coast. By 1993, FEMA was seen by many as a complete failure, and there were calls on Capitol Hill to abolish the agency altogether. Instead, the incoming Clinton Administration decided to revitalize FEMA so that it could protect American lives and property in times of disaster. A long-time emergency management professional, James Lee Witt, was placed at the head of the agency and given the mandate to rebuild FEMA.

Within a year, FEMA was completely reorganized and had begun making realistic response plans for any type of emergency. When the Oklahoma City Bombing occurred in 1995, FEMA was able to organize an emergency operations center and dispatch rescue teams to the field within hours after the incident. In 1996, Director Witt was elevated to Cabinet-level status by President Clinton, and FEMA employees' morale soared as the agency became widely known and respected throughout the country.

Decline in Professionalism at FEMA

When the Bush Administration began in 2001, there was some concern when the long-time emergency manager James Witt was replaced by the political campaign manager Joseph Allbaugh, but most of us assumed that emergency management would be seen as a bipartisan priority, and that FEMA's effectiveness would continue to strengthen and improve.

Unfortunately, this has not been the case. Over the past three-and-one-half years, professional emergency managers at FEMA have been supplanted on the job by politically-connected contractors and by novice employees with little background or knowledge of emergency management. At first this took place mainly at the senior levels of FEMA, but it has now entered into the mid-level and working-level of the agency, and jobs are increasingly being filled by hiring inexperienced and unqualified persons.

Questionable Personnel Practices

Many of these hirings seem to follow a pattern. First, a contractor is brought in to "observe" and "assist" with a program. Full-time FEMA staff are assigned to train and familiarize the contractor with the program. Then, after his or her training is completed, a job is advertised with work specifications tailored to the contractor, who is then hired to supervise the FEMA employees who provided the original training. In a significant number of cases, black employees are assigned to train white contractors, who are then hired into supervisory positions. In some cases, the contractors begin to give orders to the FEMA employees even before they (the contractors) are officially hired.

It appears that the FEMA Human Resources (HR) office is developing job advertisements that are specifically tailored for pre-selected candidates, with job requirements in the advertisements significantly watered down to allow pre-selected individuals to bypass more experienced candidates in the selection process. For example, FEMA recently advertised for a GS-14 program manager for the National Disaster Medical System (NDMS), with a salary range of around \$100,000 per year. The job advertisement requires that the selected candidate be able to "provide advice and liaison support for managing administrative functions...prepare written reports...analyze organizational and operational problems..." But nowhere is there a requirement that the applicant actually know anything about the NDMS. Furthermore, the vacancy announcement offers to pay relocation costs for the selected candidate, even though one would think that there are plenty of people in the Washington area who could "provide advice and liaison support for managing administrative functions." Rarely are new FEMA hires paid relocation costs. Of the 25 jobs advertised that day on the FEMA website, this was the only one that offered to pay relocation expenses.

Lately, there are more and more such vacancy announcements that are clearly aimed at offering jobs to outside candidates rather than promoting experienced staff from within, and it appears that most of these outside candidates have been preselected prior to the vacancies being announced. FEMA staff members who are military veterans have complained that FEMA is disregarding Federal personnel rules regarding Veterans' Preference in filling vacancies. In many cases, it even appears that jobs are being filled without ever having been advertised at all, and that they are being filled by untrained, unqualified individuals. It has been reported that the FEMA HR office filled several of its own vacancies with unqualified individuals who were hired with neither advertisement nor competition for the jobs. All of these people are being put into civil service jobs, where they may remain long after the Bush Administration has left office.

To make matters worse, the Bush Administration has proposed to do away with what is left of the Civil Service system at FEMA and replace it with something new and untried. When I have discussed this with the employees, almost none of them see any advantage to changing the system. Based on our experience so far, we can only fear that this new system will push aside any remaining elements of a true merit-based system and leave the door open for the increased role of unqualified staff and contractors, to the long-term detriment of Emergency Management and of Homeland Security.

Waste of Taxpayers' Money

In addition to closing off pathways to promotion for career FEMA employees, the Administration continues to give contractors work that could be done better and less expensively by on-board staff. For example, last year FEMA was tasked to upgrade the existing Federal Response Plan (FRP) and create a broader and

more extensive National Response Plan (NRP). But no sooner had experienced planners at FEMA begun their work than the project was taken away from them and given to a private consulting company on a no-bid, non-competitive contract. The consulting company spent several months putting together a plan which in the end was totally unacceptable to State and local emergency officials, so the whole process had to be re-started. Approximately eight months were lost in our preparations against terrorism, and the taxpayers paid thousands of dollars for substandard work. We have no way of knowing how many more such wasteful activities have been taking place at FEMA.

As work has been farmed out to contractors and internal management handed over to novices, the amount of waste has visibly increased. To cite one more example, in June 2003 about twenty FEMA employees from across the country were sent to Miami, Florida to be trained for FEMA's Hurricane Liaison Team. But after they had arrived, the employees learned that the contractor had not yet written the training package, and so training would not be given, and the "trainees" would instead do supplemental clerical work for a week.

Subsequently, one of the employees filed a complaint with the DHS Inspector General, pointing out that the US taxpayers had paid for salaries and travel expenses for staff to attend nonexistent training. Five months later, the employee received a response from the IG's office stating that the matter was a "management issue," and that the IG would not take any action. Apparently, the waste of approximately \$30,000 of taxpayers' funds is too minor of an issue for the IG to deal with. (According to the employee who filed the complaint, the IG staff person told him by phone that because the IG received so many such complaints, they could not possibly investigate them all.)

The litany of waste and lack of oversight goes on...

- Some supervisors have allegedly been falsifying their own time sheets so as to be paid for time that they did not work.
- The salary of a senior FEMA official is reportedly being paid out of the Disaster Relief Fund, which by law is money reserved for helping disaster victims.
- A senior official resigned when allegations were made that he had improperly used thousands of dollars in FEMA funds to pay for his educational costs.

Drop In Employee Morale

The current atmosphere at FEMA has permitted some managers to carry out personal grudges against members of their staff. In one case, for example, an employee was accused by his supervisor of drinking on the job. When the

"I am extremely concerned that the ability of our nation to prepare for and respond to disasters has been sharply eroded... I hear from emergency managers, local and state leaders, and first responders nearly every day that the FEMA they knew and worked well with has now disappeared. In fact one state emergency manager told me 'it is like a stake has been driven into the heart of emergency management.' ... They are concerned that the successful partnership that was built and honed over many years between local, state and federal partners and their ability to communicate coordinate, train, prepare and respond has gone down hill. And they are at a loss as to how to work with the federal government now and fear for their communities should a catastrophic disaster occur."

Summary

This is not just a day-to-day labor-management issue, but one that affects every American citizen and taxpayer. The ability of FEMA to manage emergencies and disasters is being seriously eroded. Our professional staff are being systematically replaced by politically-connected novices and contractors who have now "burrowed in" to civil service jobs. Discrimination, favoritism, and other forms of mismanagement are on the rise, further damaging the agency's ability to function effectively. Taxpayer funds are being wasted, but the IG staff say they are too busy to investigate because they receive so many complaints.

The American people count on FEMA to be there to pick up the pieces after a hurricane, a terrorist attack, or any type of emergency. FEMA employees are willing and able to do that, but our capability is being drained away, and it may soon be gone unless timely action can be taken to remedy these problems.

This letter lists only a few of the shortfalls at FEMA. I recommend that the U.S. General Accounting Office fully investigate FEMA's operations to validate the depth of the problem and to propose solutions. I specifically recommend that the GAO investigate FEMA hiring, contracting and spending practices and determine the impact that these practices have had on the agency's ability to function effectively and to account for its funds. And I recommend that a freeze be placed on all new hires and contracts at FEMA until the GAO review can be completed.

I sincerely hope Congress can exercise its oversight function and correct these problems before an effective and responsive FEMA becomes a thing of the past.

Sincerely,

**Pleasant Mann
President
AFGE Local 4060**

employee denied the charge and asked that he be tested for the presence of alcohol, FEMA's response was that it had no way to test for alcohol...but that the accusation would stand nonetheless. In another case, a woman whose career had been on the rise under the Clinton Administration has found herself pushed to the margins under the current Administration, and is now being threatened with being fired for "poor work performance" after 19 years of Federal service, which included successful completion of an Executive Development training program. In both of these cases, the employees involved were black, and the supervisors taking the punitive actions were white.

Given the situation at FEMA, employees have become increasingly dispirited. According to a survey done at FEMA HQ by our union in February, 2004:

60% of the respondents said they would probably leave FEMA and take another job if one were offered. Only 21% said they would stay with FEMA if they had a job offer elsewhere.

- 74% of the respondents said they would probably retire immediately if they were eligible to do so.

80% of the respondents said they thought FEMA has become a poorer agency since joining the Department of Homeland Security. Fewer than 2% of the respondents felt that FEMA had improved since joining DHS.

Faced with the situation at FEMA, more and more employees are choosing to retire rather than stay with the agency they have worked for over many years.

Deterioration of FEMA's Role in Emergency Management

As management controls loosen and professionalism diminishes, FEMA is gradually losing its ability to function and to help disaster victims. Staff members see this deterioration daily. For example, FEMA encourages other Federal agencies to develop Continuity of Operations (COOP) Plans, but experienced FEMA staffers have criticized FEMA's own COOP Plan as being unrealistic. Numerous State and local emergency officials have complained that FEMA's emergency management role and functions are continually being downgraded under the new "National Response Plan." And nearly three years after 9/11, FEMA has not yet issued guidance on what we as employees should do to protect ourselves should a terrorist attack occur here during the workday.

FEMA staff members are not the only ones who are aware of these problems. In his March 24, 2004 testimony before the House Subcommittee on National Security, Emerging Threats and International Relations and the House Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, former FEMA Director James Lee Witt was unsparing in his assessment of FEMA's current condition. According to Mr. Witt's oral testimony: