

# **Texas Should Continue to Provide Deweyville Independent School District Assistance in Managing FEMA Grant Funds**





# **DHS OIG HIGHLIGHTS**

## ***Texas Should Continue to Provide Deweyville Independent School District Assistance in Managing FEMA Grant Funds***

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**May 24, 2017**

### **Why We Did This Audit**

The Deweyville Independent School District (District) sustained an estimated \$22 million in damages from flooding in March 2016. We conducted this audit early in the grant cycle to identify areas where the District may need additional assistance or monitoring to ensure compliance.

### **What We Recommend**

FEMA should direct Texas to continue providing District officials with technical assistance and increase monitoring to help ensure compliance with applicable Federal standards.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 254-4100, or email us at [DHS-IG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-IG.OfficePublicAffairs@oig.dhs.gov)

## **What We Found**

Although the District's policies, procedures, and business practices are adequate to account for grant funds, they were not adequate to meet Federal procurement requirements. For example, the District's policies did not adequately address providing sufficient opportunities for disadvantaged firms to compete for Federal Emergency Management Agency (FEMA)-funded work or include all contract provisions, including those needed to prevent discrimination and control costs.

After we discussed these issues with District officials, they moved quickly to amend existing contracts and modify contracting policies and procedures.

The Texas Division of Emergency Management (Texas), as the grantee, should provide the District additional technical assistance and increase monitoring to ensure the District follows all Federal grant requirements. Doing so should provide FEMA reasonable assurance that the District will avoid improperly spending the \$12.9 million of estimated contract costs for remaining permanent disaster work.

## **FEMA Response**

FEMA officials agreed with our findings and recommendations (see FEMA's written response in appendix C).



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Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

May 24, 2017

MEMORANDUM FOR: George A. Robinson  
Regional Administrator, Region VI  
Federal Emergency Management Agency

*John E. McCoy II*

FROM: John E. McCoy II  
Acting Assistant Inspector General  
Office of Emergency Management Oversight

SUBJECT: *Texas Should Continue to Provide Deweyville  
Independent School District Assistance in  
Managing FEMA Grant Funds*  
Audit Report Number OIG-17-62-D

We audited the capability of the Deweyville Independent School District (District), Deweyville, Texas, to manage Federal Emergency Management Agency (FEMA) Public Assistance grant funds. We conducted this audit early in the Public Assistance process to identify areas where the District may need additional technical assistance or monitoring to ensure compliance with Federal regulations and FEMA guidelines. In addition, by undergoing an audit early in the grant cycle, grant recipients have the opportunity to correct noncompliance before they spend the majority of their grant funding and too much time elapses.

In April 2016, FEMA estimated the District sustained \$22 million in damages composed of \$9.1 million in emergency work and \$12.9 million in permanent work (appendix B, table 1). As of August 9, 2016, the cutoff date of our audit, FEMA and the Texas Division of Emergency Management (Texas), a FEMA grantee, had formulated one project for \$1.8 million for emergency protective measures. When FEMA approves projects for the permanent work, it will reduce funding by the \$1 million in insurance proceeds the District received. The grant will provide 75 percent Federal funding for eligible work.

At the time of our audit the District had not submitted claims for reimbursement. However, of the \$9.1 million of estimated emergency work, the District had spent \$653,000 for disaster work and awarded more than \$6.5 million for disaster-related emergency contracts.





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### Background

With the Sabine River rising, on March 10, 2016, District officials dismissed students early and moved all District buses to higher ground. The County Judge of Newton County issued mandatory evacuation orders to the 1,200 residents of the small town of Deweyville, Texas. On March 12 and 13, catastrophic flooding completely isolated the town.

Floodwaters inundated the District's elementary school campus including its elementary school, administration office, and maintenance facilities. Five feet of water filled the elementary school for an extended period (see figures 1 and 2), and District officials canceled classes for an entire month. During this time, officials relocated all staff and services to the Deweyville High School campus. The President declared the major disaster on March 19, 2016. Students returned to classes on Monday, April 11, 2016.

**Figure 1: Deweyville Elementary School**



Source: Deweyville Independent School District



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**Figure 2: The Deweyville Elementary Campus  
Before and After the March 2016 Flooding**



Source: Deweyville Independent School District

### Results of Audit

The District has adequate policies, procedures, and business practices to account for FEMA Public Assistance grant funds; however, the District's policies were not adequate to meet all Federal procurement standards. District policies did not provide sufficient opportunities for disadvantaged firms to compete for contracts, help ensure reasonable costs, or include all required contract provisions. After we identified these problems, District officials moved quickly to amend existing contracts and modify procurement policies to comply with Federal requirements. These actions should help provide reasonable assurance that the District will comply with Federal procurement standards in administering the \$12.9 million in estimated future contracting.

The problems we identified occurred because District officials were not fully aware of Federal procurement requirements. Therefore, FEMA should direct Texas, as FEMA's grantee, to continue providing technical assistance and increase monitoring to ensure the District follows all Federal grant requirements. Doing so should provide FEMA reasonable assurance that the District will avoid improperly spending the \$12.9 million of estimated contract costs for remaining permanent disaster work.



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### **Finding A: Policies, Procedures, and Business Practices**

#### **Project Cost Accounting**

The District has adequate policies, procedures, and business practices to account for disaster-related costs on a project-by-project basis and can adequately support costs as the following Federal regulations require:

- Recipients must account for large project expenditures on a project-by-project basis (44 Code of Federal Regulation (CFR) 206.205(b)). FEMA policy also requires subrecipients to keep records for all projects on a project-by-project basis (*Public Assistance Program and Policy Guide*, FP 104-009-2, January 2016, p. 134).
- Subrecipients must maintain accounting records that adequately identify the source and application of Federal funds and maintain source documentation to support those accounting records (2 CFR 200.302(b) (3)).

The District designated a specific accounting code to segregate all disaster-related costs. We assessed the adequacy of the District's policies and procedures and determined that it could properly segregate costs by project and maintain sufficient detailed documentation to support the costs.

#### **Insurance**

The District's insurance procedures and practices are adequate to ensure that the District can provide accurate information to deduct insurance proceeds from eligible projects in accordance with 44 CFR 206.250(c). As of August 9, 2016, the District had received \$1 million of insurance coverage to its facilities. However, FEMA had not formulated any permanent project worksheets and, therefore, had not allocated the insurance proceeds to reduce the cost to repair disaster damages.

We also discussed with District officials the need to obtain and maintain insurance. The District must obtain and maintain insurance that is reasonable and necessary to protect facilities repaired or replaced using Federal funds against future loss from the types of hazard which caused



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the major disaster.<sup>1</sup> The District's policies and procedures related to insurance did not specifically mention this Federal requirement. However, after our discussion with District officials, they told us they understand that both current and future FEMA Public Assistance funding is contingent on the District's compliance with the requirement.

### **Procurement Policies**

The District's procurement policies did not meet all Federal procurement requirements in awarding more than \$6.5 million to six contractors. Generally, this occurred because District officials were not aware of all requirements. Federal regulations require, in part, that subrecipients —

1. take necessary affirmative steps to assure the use of small and minority businesses, women's business enterprises, and labor surplus area firms, when possible (2 CFR 200.321(a));
2. perform a cost or price analysis in connection with every procurement action, including contract amendments, in excess of the Simplified Acquisition Threshold<sup>2</sup> (2 CFR 200.323(a));
3. include all applicable provisions in contracts (2 CFR 200.326);
4. ensure all bonding requirements are met (2 CFR 200.325);
5. ensure no award to any party debarred or suspended from Federal assistance programs (2 CFR 200.205(d)); and
6. include a ceiling price in time-and-materials contracts (2 CFR 200.318(j)).

As we discuss below, the District did not have policies, procedures, and business practices in place to ensure compliance with these six Federal regulations.

***Disadvantaged Firms*** — Federal regulations require specific steps to assure the use of disadvantaged firms whenever possible. These steps include placing qualified small and minority businesses and women's business enterprises on solicitation lists; assuring such business enterprises are solicited whenever they are potential sources; using the

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<sup>1</sup> Section 311 of the *Robert T. Stafford Disaster Relief and Emergency Act*, Public Law 93-288, 42 United States Code 5154, as amended, (*Stafford Act*) requires recipients of disaster assistance to obtain and maintain such types of insurance "as may be reasonably available, adequate, and necessary, to protect against future loss" to "any property to be replaced, restored, repaired, or constructed with such assistance."

<sup>2</sup> The Simplified Acquisition Threshold is the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. As of January 1, 2016, the threshold is \$150,000.





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services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and requiring the prime contractor, if subcontractors are used, to take the affirmative steps as well.

**Cost or Price Analysis** — Federal regulations require a cost or price analysis with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications. The absence of a cost or price analysis increases the risk of unreasonable contract costs.

**Required Contract Provisions** — Federal regulations require specific provisions for contracts and subcontracts, including remedies and termination clauses, non-discrimination, compliance with labor laws, and prohibitions of “kickbacks.” These provisions describe the rights and responsibilities of the parties and minimize the risk of misinterpretations and disputes.

**Minimum Bonding Requirements** — Bid bonds are necessary to ensure the winning bidder will undertake the contract under the terms they bid, protect against an adverse event that may cause disruptions, and protect against failure to complete the project due to insolvency of the builder or the job’s failure to meet contract specifications. Contracting parties execute a performance bond to secure fulfillment of all the contractor’s obligations under the contract and a payment bond to assure payment of all persons supplying labor and material in execution of the contract work provided.

**Debarred/Suspended Contractors** — Compliance with this regulation lessens the risk of subrecipients awarding contracts to unscrupulous firms or individuals. District officials told us they understood this Federal requirement, but had problems navigating the website to perform this verification.

**Ceiling Price for Time-and-Materials Contracts** — Federal regulations require time-and-materials contracts to set a ceiling price that the contractor exceeds at its own risk. Absent a ceiling price, time-and-materials type contracts are open-ended with no incentive for the contractor to control costs; the more time a contractor takes to do the work, the greater the contractor’s profit.

We verified the District did not award work to contractors debarred or suspended from Federal grant awards and awarded all contracts to either





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labor surplus area firms or small businesses. During the audit, the District amended its contracts to include required Federal provisions and added a ceiling price to its time-and-materials type contract. Additionally, the District modified its procurement process to perform a cost or price analysis, take affirmative steps, and include minimum bonding requirements.

### **Finding B: Grant Management**

Federal regulation at 2 CFR 200.331(d) requires recipients to monitor the subrecipient's activities to ensure that it uses the subaward in "compliance with Federal statutes, regulations, and the terms and conditions of the subaward." Because District officials lack experience with Federal subgrant requirements, Texas should continue providing technical assistance to the District and closely monitor the District to ensure compliance with Federal procurement standards. Doing so should provide FEMA reasonable assurance that the District will avoid improperly spending the \$12.9 million of estimated contract costs for remaining permanent disaster work.

At our exit conference with Texas officials, they said they were already providing technical assistance, guidance, and monitoring to the District and believe they would have eventually found and corrected the findings in this report. Although that may be true, we believe that technical assistance and guidance early in the grant cycle is critical because it provides grant recipients the opportunity to correct noncompliance before too much time elapses and they spend a significant amount of their grant funding.

### **Recommendation**

We recommend that the Regional Administrator, FEMA Region VI:

**Recommendation 1:** Direct Texas to continue providing technical assistance and closely monitor the District to ensure it complies with Federal procurement standards for awarding and administering disaster-related contracts and to prevent improper spending of the estimated \$12,854,705 (\$9,641,029 Federal share) in contract costs for remaining permanent disaster work. We consider this recommendation to be resolved and closed because FEMA's corrective action directed Texas to take specific corrective actions (findings A and B).



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### **Discussion with Management and Audit Follow-up**

We discussed the results of our audit with FEMA, Texas, and District officials during and after our audit. We also provided a draft report in advance to these officials and discussed it at exit conferences with District officials on January 3, 2017, and with Texas and FEMA officials on January 4, 2017. We considered their comments in developing our final report and incorporated their comments as appropriate. District officials agreed with our findings and recommendation. Texas officials generally agreed with our findings and disagreed with our recommendation (see finding B). FEMA officials generally agreed with our findings and recommendation. FEMA's written response, dated February 16, 2017, and subsequent actions were sufficient to resolve and close our recommendation (see appendix C). Therefore, we consider this report closed and require no additional actions from FEMA.

The Office of Emergency Management Oversight major contributors to this report are Tonda L. Hadley, Director; Christopher Dodd, Director (retired); Kathleen Hughes, Audit Manager; and Patricia Epperly, Auditor-in-Charge.

Please call me with any questions at (202) 254-4100, or your staff may contact Tonda L. Hadley, Director, Central Regional Office – South, at (214) 436-5200.



## **Appendix A**

### **Objective, Scope, and Methodology**

We audited the capability of Deweyville Independent School District (District), Deweyville, Texas, Public Assistance Identification Number 351-UJ4FW-00, to manage FEMA Public Assistance funds. Our audit objective was to determine whether the District's policies, procedures, and business practices are adequate to account for and expend FEMA grant funds according to Federal regulations and FEMA guidelines for FEMA Disaster Number DR-4266-TX. FEMA's Preliminary Damage Assessment estimated the District award to be \$21,954,705, before the insurance reduction of \$1 million, for damages resulting from severe storms, straight-line winds, and flooding that occurred March 7-29, 2016. The award will provide 75 percent funding for eligible work.

The audit covered the period March 7, 2016, through August 9, 2016, the cutoff date of our audit. We interviewed FEMA, Texas, and District officials; assessed the adequacy of the policies, procedures, and business practices the District uses and plans to use to account for and expend Federal grant funds and to procure and monitor contracts for disaster work; gained an understanding of the District's method of accounting for disaster-related costs and its procurement policies and procedures; and reviewed all disaster-related contracts awarded by the District. We judgmentally selected and reviewed project costs (generally based on dollar amounts); reviewed applicable Federal regulations and FEMA guidelines; and performed other procedures considered necessary to accomplish our objective. We did not perform a detailed assessment of the District's internal controls over its grant activities because it was not necessary to accomplish our audit objective.





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### **Appendix A (continued)**

We conducted this performance audit between August 2016 and January 2017 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objective. In conducting this audit, we applied the statutes, regulations, and FEMA policies and guidelines in effect at the time of the disaster.



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### Appendix B Potential Monetary Benefits

**Table 1: Estimated Disaster Costs**

Category of Work*	Description	Estimated Costs
B	Emergency work completed	\$ 9,100,000
E	Permanent work to be completed	12,854,705
<b>Total</b>		<b>\$21,954,705</b>

Source: FEMA's Preliminary Damage Assessment and Office of Inspector General (OIG) analysis

\* FEMA classifies disaster-related work by type: debris removal (Category A), emergency protective measures (Category B), and permanent work (Categories C through G).

**Table 2: Summary of Potential Monetary Benefits**

Type of Potential Monetary Benefit	Amount	Federal Share
Questioned Costs - Ineligible	\$ 0	\$ 0
Questioned Costs - Unsupported	0	0
Funds Put to Better Use (Avoid Potential Improper Costs)	12,854,705	9,641,029
<b>Totals</b>	<b>\$12,854,705</b>	<b>\$9,641,029</b>

Source: OIG analysis of report findings



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**Appendix C**  
**FEMA Region VI Audit Response**

U.S. Department of Homeland Security  
FEMA Region 6  
836 North Loop 288  
Denton, TX 76209-3698

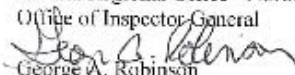


**FEMA**

February 16, 2017

MEMORANDUM FOR: Tonda Hadley, Director  
Central Regional Office - South  
Office of Inspector General

Paige Hantrick, Director  
Central Regional Office - North  
Office of Inspector General

FROM:   
George A. Robinson  
Regional Administrator

SUBJECT: Request for Recommendation Closure: Recommendation #1  
*Deweyville ISD, Texas, Needs Additional Assistance and  
Monitoring to Ensure Proper Management of Its FEMA Grant*  
FEMA Disaster Number: 4269-DR-TX  
Audit Job Code: OIG-16-043-D, and

Request for Recommendation Closure: Recommendation #2  
*Fort Bend County, Texas, Needs Additional Assistance and  
Monitoring to Ensure Proper Management of Its FEMA Grant*  
FEMA Disaster Number: 4269-DR-TX  
Audit Job Code: OIG-16-047-D

We appreciate the work conducted by the Office of Inspector General in planning, reviewing, and issuing these draft reports, to which we previously submitted our comments.

We sent a letter to the Texas Department of Emergency Management (TDEM) on February 13, 2017, with instructions that TDEM ensure Deweyville Independent School District (ISD) and Fort Bend County follow federal procurement standards. Our letter also requested that TDEM continue to provide accounting and grants management technical assistance to both Deweyville ISD and Fort Bend County.

We believe this completes the requirements contained in both draft reports and ask that Recommendation #1 of the Deweyville ISD draft audit and that Recommendation #2 of the Fort Bend County draft audit be closed. This action, along with our Management Response memorandums, should satisfy all recommendations; therefore, we request that both audits be closed on report issuance.

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Tonda Hadley and Paige Hamrick

February 16, 2017

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If you have any questions, or need further assistance, please contact Kent Baxter, Audit Coordinator, at (940) 898-5399.

### Attachment

cc: W. Nim Kidd, Chief, TDEM  
Moises Dugan, R6-ORA  
Traci L. Brasher, R6-REC  
David Lebsack, R6-REC  
Bill Boone, R6-REC-PA  
Michael Crow, R6-REC-PA  
Melinda Dunn, R6-REC-PA  
Kathy Hill, HQ-OCFO  
Gary McKeon, HQ-OPPA-ALO  
Kent Baxter, R6-ORA



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Tonda Hadley and Paige Hamrick  
February 16, 2017  
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### Exhibit 1

*Deweyville ISD, Texas, Needs Additional Assistance and  
Monitoring to Ensure Proper Management of Its FEMA Grant*  
FEMA Disaster Number: 4269-DR-TX  
Audit Job Code: OIG-16-043-D

And

*Fort Bend County, Texas, Needs Additional Assistance and  
Monitoring to Ensure Proper Management of Its FEMA Grant*  
Project No. OIG-16-047-D

**Exhibit Description:** February 13, 2017, letter from R6 Regional Administrator, advising the State to ensure that Deweyville Independent School District (ISD) and Fort Bend County are aware of, and follow, federal procurement standards, as well as to continue providing accounting and grants management technical assistance to Deweyville ISD and to Fort Bend County.

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Department of Homeland Security

U.S. Department of Homeland Security  
FEMA Region 6  
800 North Loop 188  
Denton, TX 76209-3698



FEMA

February 13, 2017

W. Nim Kidd, CEM  
Assistant Director, Texas Department of Public Safety  
Chief, Texas Division of Emergency Management  
P.O. Box 4087  
Austin, TX 78773-0220

ATTN: Sandra Fulcawider, Deputy Assistant Director, Recovery, Mitigation and Standards

RE: Continuing the Texas Division of Emergency Management's Technical Assistance and Monitoring of Deweyville ISD and Fort Bend County's Compliance with Federal Procurement, Accounting, and Grants Management Requirements

Dear Chief Kidd:

Recent Office of Inspector General (OIG) draft audits (G-16-043 and G-16-047)<sup>1</sup> reported that the Deweyville Independent School District (ISD) and Fort Bend County had procured services using procedures and contracts that were not fully compliant with federal procurement standards.

FEMA commends Deweyville ISD for modifying its policies and contracts to make them compliant. However, the draft audit (G-16-043) provided a recommendation which stated:

*Direct Texas to continue providing technical assistance and closely monitor the District to ensure it complies with Federal procurement standards for awarding and administering disaster-related contracts and to prevent improper spending of the estimated \$12,854,705 (\$9,641,029 Federal share) in contract costs for remaining permanent disaster work (findings A and B).*

Likewise, FEMA commends Fort Bend County's efforts to conduct cost/price analyses; to maintain adequate procurement history records; to avoid and prevent situations involving conflicts of interest; and to monitor its vendors to ensure they meet the terms, conditions, and specifications of their contracts. However, the draft audit (G-16-047) provided two recommendations:

<sup>1</sup> See *OIG Draft Audit Report, G-16-043, Deweyville ISD, Texas, Needs Additional Assistance and Monitoring to Ensure Proper Management of Its FEMA Grant*; and *OIG Draft Audit Report, G-16-047, Fort Bend County, Texas, Needs Additional Assistance and Monitoring to Ensure Proper Management of Its FEMA Grant*.

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Chief Kidd  
February 13, 2017  
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*Not fund \$767,000 (\$575,250 Federal share) of ineligible contract costs, unless FEMA grants an exception for all or part of the costs as 2 CFR 200.102(b) allows and determines the costs are reasonable (finding A).*

*Direct Texas to provide technical assistance and monitoring to the County to ensure it complies with Federal accounting and procurement regulations for awarding disaster contracts and to prevent the potential improper spending of approximately \$5,583,000 (\$4,187,250 Federal share) in estimated disaster work (finding B).*

Specifically, the draft audits note that action should be taken to prevent improper spending on contract costs for remaining permanent disaster work by Deweyville ISD and Fort Bend County. Failure to meet federal procurement, accounting, and grants management criteria could jeopardize FEMA funding for an estimated \$22 million in disaster-related damages at Deweyville ISD, and an estimated \$6.4 million in disaster-related damages for Fort Bend County. Therefore, it is imperative that your agency continue providing technical assistance and monitoring in the areas of federal procurement, accounting, and grants management requirements for both Deweyville ISD and Fort Bend County.

In summary, while all subrecipients of FEMA funding, such as Deweyville ISD and Fort Bend County, are permitted to use their own procurement procedures<sup>2</sup>, these procurements must also conform to applicable federal law and standards codified in 2 CFR Part 200, as appropriate. Additionally, subrecipients are also required to use accounting and grants management procedures that comply with all applicable federal requirements when accepting Federal funds<sup>3</sup>.

Region 6 stands ready to assist you in this effort. If you have any questions, please contact Traci Brasher, Recovery Division Director, at (940) 898-5436.

Sincerely,

  
George A. Robinson  
Regional Administrator

cc: Tonda Hadley, DHS-OIG Central Region – South  
Paige Hamrick, DHS-OIG Central Region – North  
Traci Brasher, FEMA R6-REC  
Dave Lebsack, FEMA R6-REC  
Kent Baxter, FEMA R6-ORA

<sup>2</sup> See Title 2 of the Code of Federal Regulations (CFR), § 200.318 through 200.326 regarding procurement by subrecipients.

<sup>3</sup> Federal requirements for disasters declared prior to December 26, 2014, can be found in OMB Circulars A-21, A-87, A-110, A-122, and A-133. For disasters declared after December 26, 2014, those requirements are codified in 2 CFR Part 200.



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