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# This Gun For Hire

by George Opfer



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**J**ust before dawn on August 25, 1992, Hurricane Andrew exploded on to the Florida coast with a vengeance, a short 25 miles south of downtown Miami. Andrew then tore across the rest of Florida with winds gusting up to 160 miles per hour and finally flew up the Gulf of Mexico into Louisiana and several other Southern states before again heading out to sea. In its wake, normal life as it was previously experienced seemed to have all but vanished. Andrew left behind many lost lives and incredible carnage. Thousands were made homeless and millions more faced weeks without power and utilities to their households. Water service was severely damaged and required heroic efforts to restore. Schools experienced extensive delays in opening, and local officials were required to impose a dusk-to-dawn curfew to protect against looting.

A brief 2 years later, on the other side of the continent, a second major natural disaster hit without warning. This time it was an earthquake and its target was Northridge, California. Again, as before, tremendous damage and disruption was left in its wake. Thousands were left homeless and the lives of several communities were turned upside down. Little did anyone realize that the recovery effort needed to restore normalcy would take many months to achieve and cost billions of dollars in Federal disaster funds.

As is the case following any major disaster, several hundred employees from various Federal and local agencies were immediately dispatched to the scene following both Hurricane Andrew and the Northridge earthquake to begin the arduous job of cleaning up. To assist in the monumental task of restoring order following these and other disasters, the Federal Emergency Management Agency (FEMA) had previously developed and put into operation the Disaster Assistance Employee (DAE) Program which established a permanent cadre of temporary employees recruited for a limited term of duty. These employees were considered to be "permanent, temporary" who were added to the ranks of FEMA full time employees on a time specific basis to assist

in the essential functions of recovery following a disaster. They returned to their domiciles when their services were no longer needed. DAEs were hired and trained to perform disaster field activities directly related to specific disasters. They were not considered an alternative to using full time staff; but rather, they were an augmentation to full time staff solely for disaster related activities.

The authority for the DAE Program is found in Section 306(b)(1) of the Robert T. Stafford Act Disaster Relief and Emergency Act, Public Law 93-288, as amended, which states that Federal agencies, in carrying out the purposes of the Act may:

"...appoint and fix the compensation of...such temporary personnel as may be necessary, without regard to the provisions of Title 5, United States Code, governing appointments in competitive service."

There were two categories of DAEs, local hires and reservists. Local hires were generally recruited locally and employed for a period of 120 days, which could be renewed if necessary. Reservists were maintained on the FEMA personnel rolls for a 24-month period expiring September 30 of every even-numbered year, but were automatically reappointed at the end of the 2-year appointment period, if needed. Salaries were set at the prevailing local rate, based on the specific duties of the job for the 2-year appointment period. All DAEs were ineligible for Federal health benefits, life insurance, and leave. Many, however, were covered by the Social Security System, therefore, deductions were regularly made to the Federal Insurance Contribution Act (FICA).

The FEMA Office of Inspector General (OIG) also deployed DAEs as auditors and investigators to participate in the recovery process. Numerous audit reviews and fraud investigations were conducted by OIG DAEs following Hurricane Andrew and the Northridge earthquake, resulting in 57 arrests and indictments, and significantly contributing to the OIG's collection of \$5.6 million in fines, restitutions, civil judgments, cost savings and recoveries during that period of time. Much like full time OIG employees, DAE investigators received and assessed allegations of criminal conduct, performed interviews of witnesses and suspects, obtained and reviewed documentation, presented findings to the U.S. Attorney's Office, and assisted in any court related activities.

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The DAE program is now being replaced by a more updated version entitled Cadre of On-call Response Employees (CORE) Program. It has just recently been developed and implemented to address the need to staff fixed disaster sites with CORE employees as needed on a more permanent, sustained basis. Unlike in the past, Disaster Filed Offices (DFOs) such as in Miami, Florida and Northridge, California, remain open for much longer periods of time due to the extensive recovery activities needed. CORE staff members will now be recruited for a longer specific term and duty station, not to exceed 4 years, with possible 1 year extensions. CORE employees will be paid according to the General Services (GS) pay levels, and receive full benefits (health, life, retirement, and leave). Unlike the older DAE program, COREs will perform disaster specific assignments in which they have received more comprehensive training. CORE employees are still employed on an as-needed basis, performing disaster work on a time-limited appointment and may be released to a non-pay status when, and if, workloads decrease.

Recruitment for CORE criminal investigators will be generally focused toward experienced Federal law enforcement personnel, including military criminal investigative personnel who have substantial experience interfacing with the Department of Justice attorneys and are knowledgeable of the Federal Rules of Criminal Procedure. Extensive travel will also be required and applicants will be required to spend extended periods in tour-of-duty status. Applicants should have a completed Background Investigation or an update within the last 7 years and be in excellent physical health. In addition, CORE employees will work closely with other Federal law enforcement agencies and most particularly the Small Business Administration (SBA) OIG. Like full time employees, COREs will be deputized Special U.S. Marshals. Recruitment of COREs will begin in early March 1996.

In addition to the recruitment of CORE employees, FEMA has also established the Disaster Temporary Program which provides for the hiring of two other types of temporary employees with distinctly different purposes. The first type are intermittent employees who are primarily utilized for the initial surge staffing. These employees travel to

disaster sites from their duty stations (where they reside) and are placed on per diem for the duration of their surge disaster assignment, similar to the former DAE reservist.

The second type are employees who are hired locally for a specific purpose at a fixed disaster site and for a fixed period of duty. These employees will not be on per diem but will be placed on the GS pay schedule and eligible to earn sick and annual leave during their appointment. Both types of employees will be given 1 year assignments with the possibility of a 1 year extension.

SBA's OIG is also active in responding to disasters by providing loans to victims whose businesses or primary residences were damaged. In the past 5 years, SBA has approved over 213,000 loans for more than \$6 billion in disasters such as the Loma Prieta and Northridge earthquakes, Hurricanes Hugo, Andrew, Iniki and Emily, floods in Southern California, Georgia and Texas and the Los Angeles wildfires and civil disturbances. As a result of this unprecedented loan activity, the Congress and the Office of Management and Budget provided the SBA OIG an additional allocation of funds to identify and prosecute fraud arising from these disaster loans.

The SBA's OIG is utilizing these funds for criminal investigators and auditors on temporary appointments, primarily in Atlanta and Los Angeles. Since 1990, the SBA-OIG has opened 148 criminal investigations involving over 530 subjects with an estimated potential loss of approximately \$63 million. Results of these investigations to date include 76 indictments and over \$5 million in fines, restitution and penalties.

In the past, DAEs have proved essential to the successful carrying out of the FEMA OIG Mission to promote the economy, effectiveness, and efficiency within the agency while preventing and detecting fraud, waste, and abuse in agency programs and operations. CORE employees should prove a more cost effective way of accomplishing that mission in this time of dwindling budgets.

For more information regarding the Core Program, contact Paul J. Lillis, Assistant Inspector General for Investigations, or his Deputy, Francis W. Curran, at (202) 646-3894 □