

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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October 8, 2009

The Honorable W. Craig Fugate
Administrator
Federal Emergency Management Agency
Department of Homeland Security
Washington, DC 20472

Dear Administrator Fugate:

On September 4, 2009 the Federal Emergency Management Agency issued a Fire Prevention and Safety grant of \$997,402 to the Association of Community Organizations for Reform Now (ACORN) Institute of New Orleans, Louisiana.¹ In light of recent revelations surrounding this organization, we have concerns and several questions regarding the issuance of this grant.

Based on a growing record of corruption, voter fraud, embezzlement, racketeering, and tax evasion, both Houses of Congress recently took bipartisan action to stop funding for ACORN.² While the grant was awarded prior to the Congressional prohibition, questions regarding the organization's reputation should have raised red flags. Because of this, both the U.S. Census Bureau and the Internal Revenue Service recently ended partnerships with ACORN.^{3 4} Additionally, ongoing Congressional and Justice Department investigations regarding misconduct and illegal activity by the organization are ongoing, as well as a separate investigation of embezzlement of taxpayer funds by the Louisiana State Attorney General.⁵ This extensive record of problems begs the question of why your agency awarded a grant to an entity embroiled in such controversy.

The House Science and Technology Committee maintains legislative and oversight responsibility for the Assistance to Firefighters Grant (AFG) program through its jurisdiction over the Federal Fire Prevention and Control Act of 1974. Your timely cooperation regarding this inquiry is appreciated as our Committee plans to reauthorize the AFG program later this month. In preparation for this reauthorization, please address the following questions and requests.

¹ <http://www.firegrantsupport.com/fps/award/08/>

² P.L. 111-68

³ "Census Bureau severs ties with ACORN in 2010 count." *Associated Press*. September 11, 2009

⁴ "IRS, ACORN sever ties over scandal." *Associated Press*. September 23, 2009

⁵ Franke-Ruta, G and Davis, A. Justice Dept. "Inspector General Plans Internal ACORN Probe." *Washington Post*. September 22, 2009

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- 1) Section 33(A)(4)(A)(ii) of the Federal Fire Prevention and Control Act of 1974 calls for grants to be made to organizations that are "recognized for their experience and expertise with respect to fire prevention or fire safety programs."⁶
 - a) What justification did the ACORN Institute provide to FEMA to demonstrate it met this requirement?
- 2) Under the most recent Continuing Resolution (CR) Congress prohibited federal funding of ACORN.⁷
 - a) Do you interpret this prohibition to prevent any FY2008 and FY2009 money from ever going to ACORN, or do you believe the prohibition will expire with the CR?
- 3) FEMA recently indicated that it has not finally awarded the grant.⁸
 - a. Is the grant on "hold" or has it been rescinded?
 - b. When was this determination made? Was it before, or after congressional inquiry?
 - c. Is there a possibility that the funds could be reissued to the organization at a later date?
- 4) FEMA also awarded a similar grant to ACORN in 2007.
 - a. Please provide a list of all other grants the Agency awarded to the organization, as well as the amounts and terms of those grants.
 - b. Please indicate how the Agency ensured that grant funding was used for its intended purpose.
 - c. Please provide documentation showing that the statutorily required five percent match was provided by ACORN for previous grants.
- 5) Are there any other applications before your agency from the organization for any fiscal year?

In addition to addressing the previous questions, please provide all records (defined by the attachment), generated or received, relating to the application, review, and award of the 2008 Fire Prevention and Safety Grant to the ACORN Institute. This should include, but not be limited to, the following:

- 1) ACORN's entire grant application package submitted to FEMA's AFG Program Office for consideration, to include but not limited to, the Application Overview, Applicant Information, Applicant Characteristics, Request Details, Application Budget, and Application Narrative Statement.

⁶ P.L. 93-498

⁷ P.L. 111-68

⁸ Romm, Tony. "FEMA to GOP: We never gave grant to ACORN." *The Hill*. October 7, 2009.

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- 2) The AFG program's computer generated score of the application.
- 3) The peer review score as well as the peer review comments of the application.
- 4) The AFG program personnel technical review comments of the application.
- 5) All award documents the AFG Program Office issued ACORN regarding the grant.
- 6) All official and unofficial correspondence the AFG Program Office has had with ACORN concerning this grant to include all records referenced in the attachment.
- 7) All official and unofficial correspondence ACORN has had with the AFG Program Office concerning this grant to include all records referenced in the attachment.

Please provide two copies of these records no later than October 15, 2009, as our Committee plans to take up the AFG reauthorization later this month.

If you have any questions relating to this inquiry, please contact Mr. Dan Byers, Professional Staff, Subcommittee on Technology and Innovation, or Mr. Tom Hammond, Professional Staff, Subcommittee on Investigations and Oversight at (202) 225-6371.

Sincerely,



REP. ADRIAN SMITH
Ranking Member
Subcommittee on Technology
and Innovation



REP. PAUL BROUN
Ranking Member
Subcommittee on Investigations
and Oversight

cc: REP. DAVID WU
Chairman
Subcommittee on Technology and Innovation

REP. BRAD MILLER
Chairman
Subcommittee on Investigations and Oversight

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.