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October 20, 2005

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

We the undersigned organizations applaud the pledge you made in New Orleans' Jackson Square on September 15th to do whatever it takes "to help citizens rebuild their communities and their lives." We believe that there are critical steps in housing, employment and training, health care and business development that can fulfill the promise of those words. In contrast, however, many of the reported proposals and initiatives being pursued would frustrate this promise to rebuild by taking advantage of Hurricane Katrina to promote an ideological policy agenda that is of limited value to hurricane survivors. We urge you to ensure that all federal efforts and expenditures related to Hurricane Katrina relief and reconstruction comply with existing federal laws that protect civil rights, worker protections, health and safety, and that the victims of Hurricane Katrina do not suffer any violations of their civil or individual rights. We are also calling for thorough congressional oversight and investigation of the poor government response to Hurricane Katrina and why tragedies that could have been prevented were not. The appropriate oversight committees of the U.S. House and Senate or an independent commission must exercise their authority to ensure that the mistakes made in response to Hurricane Katrina are never made again.

The signatories of this letter are strongly committed to a bi-partisan response to the needs of Katrina's "internally displaced persons." We believe that those affected by Hurricane Katrina will be best served by a collaborative effort that transcends existing political divisions, builds on our collective commitment to protect the dignity of all persons and sustains the rich diversity of communities that are our nation's strength. Thus, we are particularly troubled by a published report that "congressional Republicans, backed by the White House, say they are using relief measures for the hurricane-ravaged Gulf Coast to achieve a broad range of conservative economic and social policies, both in the storm zone and beyond." (*Wall Street Journal*, September 15, 2005) Politicizing the relief efforts risks putting the needs of Katrina's victims second to a partisan agenda – one that distracts attention away from what should be the proper focus of providing victims with timely, much-needed assistance, and alienates potential partners in the relief efforts. Unfortunately, recent developments appear to have confirmed this published report.

Several actions already taken by the Administration are especially troubling:



Cutting wages for construction workers in the Gulf states. On September 8, the administration issued a proclamation indefinitely suspending application of the Davis-Bacon Act to all federal construction contracts in the affected areas of Alabama, Louisiana, Mississippi, and Florida, regardless of whether they relate to cleanup and reconstruction. This law was passed in 1931, during the Great Depression, to ensure that federal contractors pay workers the prevailing or average wage in a region. Suspending wage protections for Gulf Coast workers will allow contractors to pay as little as they can, which could be as low as the federal minimum wage of \$5.15 per hour, in a region that already has among the lowest incomes and highest poverty rates in the country. Meanwhile, companies which received no-bid contracts profited from the wage cuts. By lowering wages and increasing income disparities, suspension of the Davis-Bacon Act will only exacerbate a disaster that has already exposed the shocking extent of poverty and income disparities in the region. We urge your administration to immediately reinstate prevailing wages for workers in the affected counties.

Denying affirmative action employment opportunities for workers in the Gulf states. The Labor Department's Office of Federal Contract Compliance Programs (OFCCP) has issued a three-month exemption from some existing Affirmative Action Program (AAP) requirements for new federal contractors dealing with Hurricane Katrina relief. DOL has a responsibility under Executive Order 11246 to ensure that federal contractors do not discriminate. AAP requirements are important and need to be complied with, because they ensure non-discrimination and affirmative action for equal employment opportunities for workers. There is no reason to exempt new contractors from preparing AAPs while requiring existing contractors to follow the law. We urge Congress to ensure that federal contractors receiving federal disaster relief funds fully comply with all affirmative action requirements applicable under law. Further, we also urge your administration to reinstate the affirmative action requirements waived by OFCCP.

Ignoring federal procurement practices with no-bid contracts and the exclusion of small, minority and women owned businesses. Several large, no-bid contracts have already been awarded to some of the nation's largest companies. These contracts failed to follow established federal procurement practices and did not provide small, minority, and women-owned businesses a meaningful opportunity to participate. In response to criticism of these no-bid awards, an announcement has been made regarding plans to re-bid these contracts and to reserve a number of contracts for disadvantaged businesses. However if FEMA had adhered to the principles of fair federal procurement standards from the outset, there would not have been a need to re-bid. In order to facilitate the maximum practicable participation of small business concerns in activities related to relief and recovery from Hurricane Katrina, the head of any federal agency making procurements related to the aftermath of Hurricane Katrina should set a goal, to be met within a reasonable time, of awarding to small business concerns not less than 30 percent of amounts expended for prime contracts and not less than 40 percent of amounts expended for subcontracts on procurements by such agency related to the aftermath of Hurricane Katrina, respectively. At a minimum, small businesses, as defined in section 3 of the Small Business Act (15 U.S.C. 632), should be afforded the maximum practicable opportunity to participate in the contract activities, as described by law. Contracts awarded for reconstruction using federal funds should comply with Federal Acquisition Regulations and the Small Business Act (15 U.S.C. 631-58).

Provoking an ideological battle over private school vouchers. The Department of Education is proposing up to \$488 million in private school vouchers to pay families displaced by Hurricane Katrina for the costs of attending private schools. Federal funds should not be used

in any way that could promote employment discrimination. Nor should Congress exploit this tragedy to provoke an ideological battle over vouchers that will delay much needed aid to the students and schools affected by the hurricane. We are also troubled by proposed waivers to the McKinney-Vento Act, which bans educational segregation of homeless children. The Secretary of Education is seeking a waiver of this Act to avoid penalties for violations of the Act and allow some states to segregate Katrina victims and teach displaced students in shelters instead of local public schools. Approximately 372,000 schoolchildren have been displaced by Katrina.

Promoting a Medicaid waiver policy that protects the federal government more than it helps Katrina survivors. The Department of Health and Human Services is promoting state-by-state waivers to provide Medicaid coverage to Katrina survivors--an inefficient and inadequate policy that has more to do with the administration's plans for overhauling Medicaid than it does with addressing the urgent health care needs of Katrina survivors. Instead, the administration should join the National Governors Association, health care providers, and consumers in supporting a bipartisan Senate proposal that would extend Medicaid coverage to survivors without burdening the three states hit by Katrina or the health care providers caring for survivors.

Rebuilding segregated and inaccessible housing. The "crisis" approach to formulating the Hurricane Katrina response should not be used to justify the provision of government assistance in a manner that recreates isolated communities segregated by race, disability, and economics. Federal aid must not again serve as the tool for separate and unequal treatment. All hurricane evacuees should have the benefit of knowing about the full range of housing assistance, housing choices, and all forms of federal assistance. Indeed, with respect to federal housing assistance, every jurisdiction receiving federal housing aid as well as HUD itself, has a legal obligation for fair, accessible, and affordable housing. Such an obligation extends not merely to the avoidance of exacerbating existing segregation; rather, it extends to the promotion and creation of fully inclusive communities – racially, economically, and by disability.

Enforcing immigration laws during search and rescue and relief efforts. We are concerned that the Department of Homeland Security (DHS) has not made an official policy announcement that victims of the hurricanes who come forward for relief and assistance will not be placed into deportation proceedings. Despite assurances from the White House that all victims should come forward, no official policy has been announced, as had been done following the 9/11 attacks. Several news agencies have reported that immigrants were in deportation proceedings after requesting assistance. The *Wall Street Journal* reported on October 3, 2005, that local police and U.S. Marshals raided a Red Cross evacuee shelter in Mississippi and demanded that *only Hispanics* identify themselves – including a Red Cross volunteer who is a former Marine and Vietnam veteran – and told them to leave the shelter or else they would be deported. There is no doubt that these incidents are taking place in other disaster relief sites. As a result, hurricane victims in immigrant communities are fearful of requesting needed assistance.

Suspending environmental protections. Hurricane Katrina exposed gross disparities in environmental and human-health protections. Now corporate polluters and developers are attempting to use Katrina as an excuse to roll back decades of environmental progress, promoting legislation to waive or suspend any environmental laws that have any conceivable relation to Katrina. Such proposals seek waivers or suspensions of existing laws and immunize or subsidize environmental law-breakers at the expense of the health and safety of Katrina survivors, particularly poor, disabled, and minority populations. For example, at least three bills



pending before the Senate would allow the Executive branch to weaken or waive any environmental or public health protection law for up to two years, and, the House has already passed legislation to relax environmental rules for refinery construction. This bills and others like them would treat Gulf residents like second-class citizens, removing public health protections just when these communities need these laws the most. Your administration should publicly oppose any such waivers or suspensions and ensure that all federal agencies involved in the recovery efforts fully implement and enforce public health and environmental protection laws, particularly in minority and low-income communities as required by Title VI of the 1964 Civil Rights Act and Executive Order 12898.

Cutting wages for service employees in the Gulf states. The McNamara-O’Hara Service Contract Act (Service Contract Act) guarantees prevailing wages for workers on a wide array of federally-funded service contracts. While Labor Secretary Chao publicly stated that DOL has decided not to suspend the Service Contract Act at this time, we understand that this proposal is still under consideration within the administration and we urge the administration not to suspend or waive this important law.

Conclusion. One common theme running through these measures is that they benefit the privileged and disadvantage the underprivileged. This disparate impact seems inconsistent with your acknowledgement in Jackson Square that: “There’s also some deep, persistent poverty in this region, as well. That poverty has roots in a history of racial discrimination, which cut off generations from the opportunity of America. We have a duty to confront this poverty with bold action. So let us...rise above the legacy of inequality.”

On the contrary, some of the measures described above would only add to that legacy of inequality. The survivors of the Gulf Coast tragedy should not be used to advance an ideological economic and social agenda. We urge you to keep the focus of relief measures on the needs of actual people who survived Hurricane Katrina, rather than the pleadings of well-connected special interests and conservative think tanks. A real commitment to rebuild the Gulf Coast can only take place if there is steadfast resolve to put Katrina’s victims first, by pursuing initiatives – and preserving legal protections – that empower, strengthen, and reinvigorate all individuals and families in diverse communities across the region.

If you have any questions, please contact Nancy Zirkin, LCCR deputy director, at 202/263-2880, or Andrea Martin, senior counsel, at 202/263-2852, regarding this or any issue important to LCCR. Thank you for your time and consideration.

Sincerely,

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