

Congress of the United States

Washington, DC 20515

July 11, 2002

The Honorable Mitchell E. Daniels, Jr.
Executive Office of the President
Director
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

Dear Director Daniels:

As the conference committee continues its consideration of the FY02 Supplemental Appropriations bill, we write in strong support of providing the funds required to compensate the New York City Board of Education for costs incurred because of the September 11 terrorist attack on the World Trade Center. Securing this assistance is a high priority for our delegation, and we hope that the administration will support its inclusion in the final supplemental bill.

One of the school system's most significant post-9/11 expenses is the need to provide extended classroom instruction for students to compensate for class time lost because of the attacks. The disaster displaced nearly 6,000 students enrolled in schools closest to Ground Zero and systemwide attendance plunged by at least twenty percent. Additionally, the closing of certain bridges and tunnels to Manhattan in the aftermath of the disaster impacted 50,000 students from other boroughs who were affected by travel disruptions and lost instructional time. The school system needs \$102 million to provide make-up instruction periods for these students who lost class time. Without federal assistance for additional instructional time, student performance on "high stakes" examinations required under President Bush's recently enacted education reform plan may suffer. Failure to adequately prepare students for those examinations will increase the risk that they have to repeat a grade and further strain the already limited resources of the school system.

Our delegation took notice of this issue in early October after Board staff met with representatives of FEMA. At that time, the Board was told that the \$102 million request for lost instructional time was not eligible for federal public assistance under FEMA guidelines and city schools would not be compensated for this type of activity. This surprised many of us given that the request for assistance in this area was based on precedent set in 1994 after the Northridge earthquake when the federal government provided \$50 million for extra classes to the Los Angeles Unified School District.

Guided by the belief that New York City's students are no less deserving than school children in Los Angeles, we have spent the last 8 months working with FEMA to resolve this issue. In numerous discussions, FEMA Director Allbaugh has assured many of us of his desire to help the Board in this area. He also has stated that he would seek the legal authority required to assist in this area if his agency lacked the statutory to provide assistance for this type of activity. However, in spite of Director Allbaugh's statements, this issue remains unresolved.

Sensing an impasse, Senators Schumer and Clinton worked to address this matter during consideration of the Senate Supplemental Appropriations bill. They succeeded in including language in Senate Committee Report 107-156 to clarify FEMA's authority with respect to the Board's request. That language directs FEMA to compensate the Board for costs, including additional classroom time, stemming from 9/11. At the time the bill was passed in the Senate, we were under the strong impression that this language was sufficient to address the Board's unmet needs based on FEMA's representations that it would be sufficient. However, in a subsequent meeting between staff from FEMA, OMB, and the New York Delegation on June 9, 2002, representatives of the administration stated that it was now their interpretation that the Senate report language failed to provide FEMA with the legal support it needed to support these activities. We found this odd because the option of including statutory language was not pursued within the context of Senate Supplemental Appropriations bill precisely because FEMA staff stated verbally on several prior occasions that it was not needed and report language did, in fact, accomplish our objective.

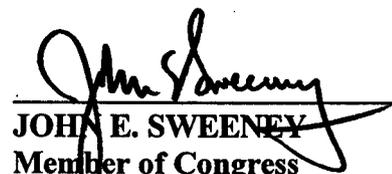
Let us state as clearly as we may that our underlying goal is to partner with the administration in the resolution of this issue. Once again, our interest in doing so is guided by personal conversations many of us have had with Director Allbaugh where he stated his desire to help the New York City Public School (NYCPS) system in this area. Since it now appears that statutory language is required and that Congress is hesitant to provide this without the imprimatur of your office, we request that you formally ask the Congress for the legislative changes needed to meet the NYCPS's needs in these areas.

Given that the conference committee on the FY02 Supplemental Spending bill is underway and a final bill may be reported in the near future, we are requesting that you act on our request in the immediate future. We want nothing more than to resolve these issues once and for all so that the NYCPS can secure the critical assistance it needs and your agency can take credit for being responsive and helping to make this happen.

Thank you for your commitment to rebuilding New York City and for remembering that the need to assist our schoolchildren must be a vital component of that overall effort. We look forward to hearing from your office at your earliest convenience.

Sincerely,


CAROLYN B. MALONEY
Member of Congress

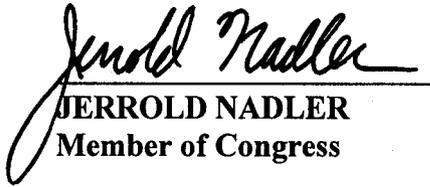

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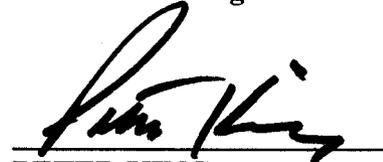
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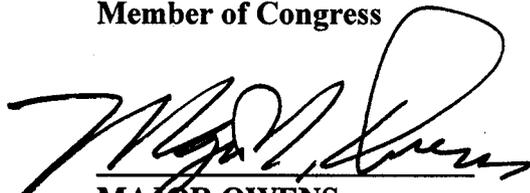
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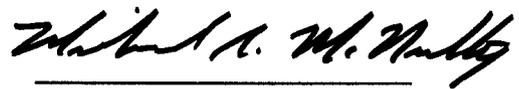
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cc: Director Joseph Allbaugh
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