

Congress of the United States

Washington, DC 20515

June 20, 2002

The Honorable Joseph Allbaugh
Director, Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Director Allbaugh:

We write to express our disappointment in FEMA's letter dated June 7, 2002, that responded to our correspondence highlighting the unmet needs of the New York City Public Schools (NYCPS) system in the wake of the September 11, 2001, terrorist attacks.

Our specific concern relates to several questions raised in our letter of June 5, 2002, that were not addressed in FEMA's response. We would like to take this opportunity to raise these issues again in the hope that FEMA's next response speaks more clearly to these issues.

We accept that FEMA's letter did reflect the agency's interpretation that it lacks authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288) to assist the Board of Education pay for the following activities:

- \$103 million for make-up school days needed because of lost instructional time following the disaster;
- \$3 million in lost federal reimbursements the school system absorbed because of disruptions in cafeteria operations; and,
- \$1.9 million in transportation services related to the movement of students after 9/11.

However, it failed to reply to our question about whether or not the report language included in the Senate Committee Report 107-156 gives FEMA sufficient authority to address these items. While not addressed in this letter, this issue was raised in a subsequent meeting among staff from FEMA, OMB, and the New York Delegation on June 9, 2002. In that meeting, both FEMA and OMB stated that it was their interpretation that the Senate report failed to provide your agency 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 the Senate Supplemental Appropriations bill precisely because your staff stated verbally on several prior occasions that it was not needed and report language did, in fact, accomplish our objective.

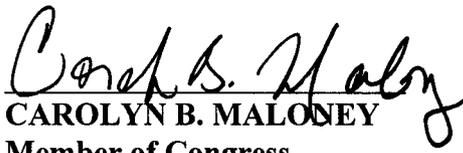
We would like to state clearly that it is our underlying goal to partner with you in the resolution of these issues. Our interest in doing so is guided by our personal conversations with you where you stated your desire to help NYCPS in these areas. In our discussions, you assured us that if your agency lacked the statutory authority to provide assistance for these types of activities, you would ask Congress for its assistance. It now appears that statutory language is required and that Congress is hesitant to provide this without FEMA or OMB asking for it. Considering this, we request that you formally ask the Congress for the necessary authority

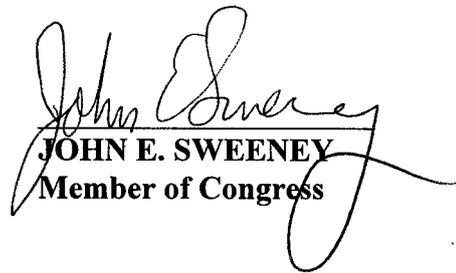
needed to meet the Board's needs in these areas.

Given that the conference committee on the FY 2002 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 as soon as possible. We want nothing more than to resolve these issues so that NYCPS can secure the critical assistance it needs and so that FEMA can take credit for being responsive and helping to make this happen.

Thank you for your timely consideration of this request. We look forward to hearing from your office at your earliest convenience.

Sincerely,


CAROLYN B. MALONEY
Member of Congress


JOHN E. SWEENEY
Member of Congress

cc: The New York Delegation
The Honorable Chuck Schumer
The Honorable Hillary Clinton
The Honorable George Pataki
The Honorable Michael Bloomberg
Chancellor Harold Levy