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Congress of the United States

House of Representatives

Washington, DC 20515-3214

July 22, 2002

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The Honorable Joe Allbaugh
Director
Federal Emergency Management Agency
500 C Street, SW
Washington, D.C. 20472

Dear Director Allbaugh:

Thank you for taking the time recently to meet with myself and other members of the New York Congressional delegation to discuss the status of FEMA's disaster assistance efforts in New York City.

I was particularly interested in your response to my question regarding your agency's authority to reimburse the New York City Board of Education for costs related to additional instructional time for New York's children to make up for lost time as a result of the September 11, 2001, terrorist attack.

First, I would like to set the record straight by clarifying that while there has been a change in school governance that has placed control of the schools in the hands of the Mayor, your statement that the Board of Education has been abolished is incorrect. While its membership has been reconfigured, the Board, in fact, does exist, and the appointment of new board members has been announced. In addition, the Chancellor remains the CEO of the school system and is responsible for the operations of the school system. Moreover, the position advocated by Chancellor Levy prior to this governance change was adopted by Mayor Bloomberg and articulated to you and OMB Director Mitch Daniels in a recent letter expressing continued support for authorizing language to be included in the FY02 Supplemental Appropriations bill, a copy of which is enclosed.

Second, you stated that you were unable to answer my question about the status of the Board's request for aid because the Board had changed the nature of their request for assistance. It is true that the Board changed its request for additional instructional to be offered in the upcoming school year. However, this change was mandated because delays by FEMA in responding to the original request prevented the Board from offering an additional week of school before the end of the 2001-2002 school year.

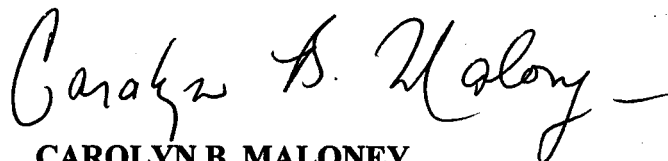
Finally, statements made after the meeting by your staff that it had asked for additional information from the Board of Education are simply not true. At no time after

the Chancellor called you and then wrote to you requesting assistance did FEMA request any additional information or supporting materials from the Board of Education detailing the ingredients of the request. It is now my understanding that since your office has now made it known that it would like this level of detail, the Board is working expeditiously with the Mayor's office to submit these materials to FEMA. I am concerned that even when this information is supplied to your staff, your agency will still be unable to assist the Board since you have already stated that the Stafford Act does not authorize FEMA to fund this type of activity. In the end, I am afraid that we will be in the same position we found ourselves in during considerations of the supplemental appropriations bill when a number of members from our delegation requested that you work with OMB Director Daniels in crafting statutory language that would allow you to help schoolchildren in the City get the assistance they so desperately need.

I know that you are acutely aware of the impact that September 11 has had on the people of New York City, and I do not doubt your commitment to help our City recover from these tragic events. I also know, based on your statements in our meeting, that your management philosophy stresses the need to identify problems, create remedies, and then implement solutions. I regret that this model has not been used to deal with the Board's request. In this instance, the goal that FEMA has set for the Board appears to be ever changing and bordered by red tape. I have enclosed a copy of all related correspondence as well as a timeline prepared by my office which I think clearly shows this. These children deserve access to a high quality education, and one of our highest priorities must be to ensure that their educational experience does not suffer further because of the acts of terrorists. Since the Supplemental Appropriations bill has now been completed, I am hoping that you will direct the resources of your office to resolve this issue as soon as possible so that the Board's extended instructional time initiative can still be launched this September.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Carolyn B. Maloney" with a horizontal line extending to the right.

CAROLYN B. MALONEY
Member of Congress

cc:

The New York Congressional delegation
The Honorable Charles Schumer
The Honorable Hillary Clinton
The Honorable George Pataki
The Honorable Michael Bloomberg
Chancellor Levy

TIMELINE OF EFFORTS FOR FEDERAL AID TO NYC SCHOOLS AFTER 9/11

(Prepared by the Office of Representative Carolyn B. Maloney)

- Sept. 11, 2001 Terrorists attack World Trade Center, deeply affecting New York City's school system, among other disaster-related impacts.
- Sept. 21, 2001 NYC Board of Education submits a memo to City administration, detailing losses from 9/11 at \$136 million. The City then submits these and other reports on losses to FEMA.
- Early October FEMA tells the Board that \$102 million in losses from 9/11 are not eligible for federal assistance under FEMA guidelines.
- October 29, 2001 FEMA states that the school system would not be compensated for lost instructional time.
- November 14, 2001 New York Congressional Delegation, New York Governor's office, New York City Mayor's office, and New York City Board of Education draft amendment to FY02 Supplemental Appropriations bill, outlining the Delegation's proposed spending of the promised \$20 billion. The "Walsh amendment" that is offered in the full committee mark up on November 14th contains provision for \$110 million for the Board and provides authorization to provide that those funds are spent for lost instructional time. Amendment is not adopted.
- May 3, 2002 In response to FEMA inaction, Reps. Sweeney (R-NY) and Carolyn Maloney (D-NY) introduce legislation (HR 4663) that directs federal authorities to provide assistance to the Board of Ed for the costs of make-up school days and other costs related to 9/11.
<http://www.house.gov/maloney/nycschools.pdf>
- May 3, 2002 Letter from Chancellor Levy to FEMA Director Joe Allbaugh details losses to the school system because of 9/11 and reiterates need for federal assistance. Letter is forwarded to FEMA.
<http://www.house.gov/maloney/chancellor.pdf>
- May 7, 2002 Board of Ed letter to Reps. Sweeney and Maloney details requests made for federal assistance to date, and the reasons for delays and inaction to date. Letter is forwarded to FEMA.
<http://www.house.gov/maloney/allbaugh.pdf>
- May 9, 2002 Rep. Sweeney, a member of the Appropriations Committee from upstate

New York, offers an amendment to the FY02 Supplemental Appropriations bill in Committee, to authorize the funds for the New York City Board of Education, but the amendment does not pass.

May 22, 2002

Senators Schumer and Clinton are able to insert Report language in the Senate version of the annual supplemental bill.

June 3, 2002

FEMA, after months of delays, finally provides the Board of Education with approximately \$12 million for expenses out of \$18.4 million requested for incurred costs because of the terrorist attacks, including environmental air testing of schools in close proximity to Ground Zero, improved air filters, and the purchase of replacement textbooks for students relocated from schools in the "Frozen Zone." However, numerous other costs remain unresolved.

June 5, 2002

Reps. Maloney and Sweeney write to Director Allbaugh detailing costs of the City's school system that remain unapproved and unresolved by FEMA, including \$103 million for make-up school days needed because of lost instructional time, \$40 million for mental health care to students who have experienced trauma and other aftereffects from 9/11, \$3 million in lost federal reimbursements the school system absorbed as a result of disruptions in cafeteria operations, and \$1.9 million in transportation costs related to the movement of students.
<http://www.house.gov/maloney/652002.pdf>

June 7, 2002

FEMA responds to multiple letters on the subject, saying it does not have statutory authority to provide assistance for the kinds of costs the school system absorbed because of 9/11.
<http://www.house.gov/maloney/FEMA672002.pdf>

June 2002

Senator Clinton submits language for the FY02 Supplemental Appropriations bill to clarify the intent of Congress that FEMA provides aid to the Board of Education for make-up school days and transportation costs related to 9/11. However, the Bush administration, through FEMA or the Office of Management and Budget, does not publicly support Senator Clinton's legislative language. The legislative language would authorize FEMA to provide \$102 million to the school system for these costs.

June 20, 2002

Reps. Maloney and Sweeney write to Director Allbaugh again to clarify FEMA's position on whether or not legislative language in a Senate bill was sufficient to overcome the roadblocks identified so far by FEMA in providing the needed aid to the city.
<http://www.house.gov/maloney/6202002.pdf>

- July 11, 2002 Members of the New York Congressional Delegation write to OMB Director Mitch Daniels, urging the administration to support efforts in the Senate to direct FEMA to allocate the funds for the school system.
<http://www.house.gov/maloney/71102daniels.pdf>
- July 11, 2002 After two months, FEMA responds to Chancellor Levy's May 7, 2002, letter and does not request more information and refers to FEMA's letter of June 7, 2002.
<http://www.house.gov/maloney/071102levyfema.pdf>
- July 16, 2002 Mayor Bloomberg sends letter to OMB Director Daniels asking his support for the Senate efforts.
<http://www.house.gov/maloney/71602bloomberg.pdf>
- Director Allbaugh, in a meeting with the New York State Congressional Delegation, states, that the Board of Ed no longer exists and that he cannot provide the requested assistance since the Board of Education's request had changed.
- July 22, 2002 Rep. Maloney sends letter to Director Allbaugh stating that the Board does exist and that their request changed due to FEMA's delays in responding. Thus, the Board cannot extend the school year to make up for the lost instructional time.
- July 23, 2002 The Supplemental Appropriations bill passes the House of Representatives without providing the necessary authority. The legislation does not include the necessary authority, because the administration objected to the language being added.

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