

Congress of the United States

Washington, DC 20515

January 24, 2003

The Honorable George E. Pataki
Governor
State of New York
Executive Chamber, State Capitol
Albany, NY 12224

Dear Governor Pataki,

We are writing to you because of our concern regarding the hazard mitigation process for New York City. Specifically, we are concerned about the amount of funding New York will be receiving, where and how the funds may be used, and the delay in getting the funding to projects that we desperately need. Since New York City is regrettably always mentioned as one of the two most likely targets for another terrorist attack, based on reported intelligence, it is important for the safety and welfare of New Yorkers and for New York's economy that as much funding be made available as soon as possible for hazard mitigation measures in New York City to better prepare for another attack that some have said is inevitable.

Amount of Funding

In past disasters, FEMA, as authorized by the Stafford Disaster Relief Act, has made an amount equivalent to 15% of funds spent on FEMA Public and Individual Assistance Programs available to states for hazard mitigation grants under Section 404 of the Stafford Disaster Relief Act. These funds are used to provide grants to state and local governments and eligible private nonprofit entities for long-term solutions to threats identified by the disaster. Given the great need to make our city less vulnerable, we were surprised that the President reduced the amount of funding available to New York to 5% when he declared New York City a disaster area after the terrorist attacks of September 11, 2001. However, this number can be changed to the much-needed 15% by the Administration without congressional action. It is our understanding that you sent a letter on October 18, 2001, that requested such a change. We applaud you for asking the President to increase the amount to 15%. This change would make approximately \$834 million more available to make New York City safer. Has the President responded to your appeal? We would appreciate your sharing the President's response with us.

Location of Projects

The November 26, 2001, letter from Edward Jacoby, Jr., Director of the New York State Emergency Management Office, which invited potential applicants for funding to submit a preliminary "letter of intent," clearly indicated that the state planned to limit the projects to be considered to those in New York City. The letter stated the following: "HMGP funds from this disaster will be earmarked for eligible projects within the five Boroughs of New York City for projects that are critical and beneficial to the city, but not physically located within the city limits. Eligible Private Not-For-Profit Organizations (those that perform essential governmental

functions and are registered under 501c(3) of the IRS Code) that are located in New York City and are interested in implementing projects within the City limits are eligible to apply for funding. At this time, the exact amount of funding has not been determined. However, we encourage you to participate in the program. If the available mitigation funds are insufficient to meet the needs expressed by our applicants, additional implementation funds will be sought.”

Additionally, the State Hazard Mitigation Grant Program Handbook, revised by the state specifically for the World Trade Center (WTC) disaster and provided to applicants in April 2002 to guide the very detailed application process, further reiterated this limitation: “For this disaster, the September 11, 2001, WTC terrorist attack, all mitigation funds will be directed to eligible applicants who are interested in implementing projects in New York City, or if not located in the City, are essential to the city’s functioning; i.e., water supply reservoirs and facilities in the Catskill Mountains or Westchester.”

Given this stated commitment to applicants and to the City, we are surprised last month when your representative in Washington announced at a Delegation Staff meeting that the state was considering funding projects elsewhere in the state. But, according to the January 19, 2001, article in *The New York Times* (“New York State Misses 2 Deadlines on Security Plans”), your spokesperson has stated that all of the projects will be in New York City. If this report is true, we would welcome this news, and we would applaud that decision. However, given the confusion, we would appreciate your clarifying your intentions on the geographical distribution of potential mitigation projects, whether they will be limited to those that impact New York City or those with different or broader impact.

Delay in Submitting Projects to FEMA

As of today, more than sixteen months after the disaster, not a single project has been submitted by the state to FEMA to review and fund. Such a delay is highly unusual. The process set by the New York State Emergency Management Office (SEMO) to advise applicants and receive applications progressed well. The state and the city set the priorities for projects by December 2001. Letters to potential applicants requesting letters of intent were sent by SEMO on November 26, 2001; briefings were held December 18; letters of intent were due by February 19; and responses from SEMO to applicants on the letters of intent were sent by the scheduled March 28. Applicant briefings were held in April and applicants completed very detailed applications, which were submitted by one of three deadlines: May 31, July 31, and October 31. However, at that point, the process seemed to stop. The appropriate decisions need to be made so that the effort to make our city safer can move forward. We would be interested in learning the timetable for state submission of projects to FEMA.


Again, as *The New York Times* reported on January 19, 2001, there seems to be some difficulty in deciding what projects should be submitted and some problem coordinating that list of projects with the City of New York.

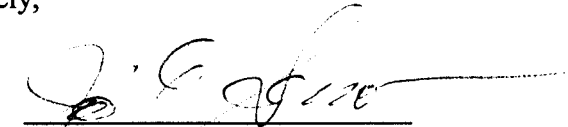
Have you considered submitting projects that you have already determined are a priority as you sort out the other projects? What steps are you planning to take to better coordinate this

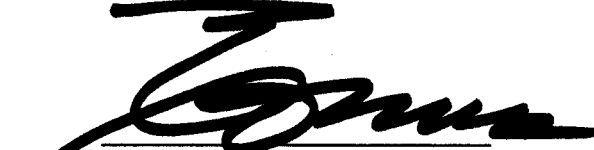
list with the City of New York? What steps do you plan to take to speed the submission of projects?


We thank you for all of your work since September 11, 2001, to help the state and the City to recover from the devastating terrorist attacks. We would like to continue to work with you to ensure that New York receives all the federal aid that it needs to rebuild. Therefore, we would appreciate your sharing with us how we can move forward on these and other issues.


Sincerely,


CAROLYN B. MALONEY
Member of Congress


JOSÉ SERRANO
Member of Congress


EDOLPHUS TOWNS
Member of Congress


NYDIA VELÁZQUEZ
Member of Congress


MAJOR OWENS
Member of Congress