



Federal Emergency Management Agency

Washington, D.C. 20472

JUN 7 2002

The Honorable Carolyn B. Maloney
U.S. House of Representatives
Washington, DC 20515-0502

Dear Representative Maloney:

This is in response to your letters dated May 1, 2002, May 7, 2002 and June 5, 2002 to Joe M. Allbaugh, Director of the Federal Emergency Management Agency (FEMA), on behalf of the New York City Board of Education (BOE). Director Allbaugh forwarded your letters to me for action, as I am the Acting Assistant Director of FEMA's Readiness, Response and Recovery Directorate. I apologize for the delay in responding to you. In your letters, you asked whether FEMA has any statutory authority to reimburse the BOE for costs incurred as a result of the September 11, 2001 terrorist attacks on the World Trade Center (9/11).

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121, et. seq. (the Stafford Act) authorizes FEMA to provide supplemental assistance to State and local governments and certain Private Non-profit entities following a disaster. Under the Public Assistance Program, FEMA provides funding for debris removal, implementation of emergency protective measures, and permanent restoration of disaster damaged infrastructure in declared areas.

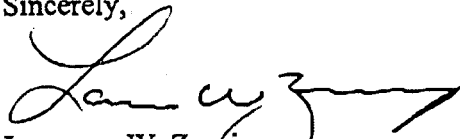
I understand that the BOE incurred costs relating to lost instructional time following the disaster, lost federal reimbursements the school system absorbed as a result of disruptions to cafeteria operations, and incurred contractual costs to bus vendors because of the unplanned cancellation of school on September 12, 2001. Until its repeal in 1994, the Department of Education was authorized to reimburse these types of increased operating costs through the Impact Aid program as created under Section 7 of Public Law 81-874. Although FEMA has approved nearly \$11 million through its Public Assistance Program for the BOE to address its disaster-related expenditures, the Stafford Act does not authorize FEMA to provide assistance for increased operating costs for educational facilities. However, Section 419 of the Stafford Act authorizes FEMA to provide assistance for emergency public transportation services for the movement of students after 9/11.

FEMA is pleased to have participated in the creation of the Project Liberty Grant and the funding of crisis counseling services. We are firmly committed to addressing the counseling needs to those affected by the attack in New York, and we look forward to working with you in the future to ensure that those needs are met. Also, we appreciate the opportunity to work together with the BOE in addressing its needs. Since our last conversation with the BOE, it is our understanding that they have been in contact with officials overseeing the Project Liberty Grant and are currently in the process of submitting their proposal for additional funding.

We look forward to continuing to work with Members of the Subcommittee and Congress as we make progress to help the City of New York rebuild for the future.

If you have any questions, please have a member of your staff contact the FEMA Office of Congressional and Legislative Affairs at (202) 646-4500.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence W. Zensinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laurence W. Zensinger
Acting Assistant Director
Readiness, Response and Recovery Directorate

cc: The Honorable John E. Sweeney