

January 17, 2003

The President  
The White House  
Washington, D. C.

Through: Kenneth O. Burris, Jr., Regional Director  
FEMA Region IV  
3003 Chamblee-Tucker Road  
Atlanta, GA 30341

Dear Mr. President:

Pursuant to Section 423 (a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended, and 44 CFR Part 206.46(a), I am hereby exercising my right to appeal your recent denial of my request for public assistance for Newton County, Mississippi. The original request was denied based on the inability of Newton County to meet the per capita requirement based on the joint PDA. The PDA for Newton County was \$21.11 per capita, however the damage was almost exclusively in the City of Newton and not throughout the county. Section 206.48(a)(2) of 44 CFR Subpart B states **“We evaluate the impact of the disaster at the county and local government level, as well as impacts at the American Indian and Alaskan Native Tribal Government levels, because at times there are extraordinary concentrations of damages that might warrant Federal assistance even if the statewide per capita is not met.** This is particularly true where critical facilities are involved or where localized per capita impacts might be extremely high. For example, we have at times seen localized damages in the tens or even hundreds of dollars per capita though the statewide per capita impact was low.” **If the population of the City of Newton (3699) is used, the per capita is \$124.63,** which demonstrates an extraordinary concentration of damages.

In addition, information is herein provided attesting to severe financial shortfalls experienced by the State and local governments during the past three years. In the denial letter for the initial request for a major disaster declaration, you stated that the “effective response does not seem to exceed the combined capabilities of the State and local governments”. Two major factors should be considered in the reconsideration of my request. First, I would like to note that the damage to the City of Newton was centered on the downtown business district. The disaster occurred during the height of the holiday shopping season. As you are well aware, many businesses depend on holiday shopping sales for the bulk of their revenue. We anticipate that the City of Newton will show a dramatic decrease in sales tax revenues due to the curtailment of

purchases caused by this disaster. Second, Enclosure A is a brief overview of estimated versus actual revenues for the State of Mississippi for FY-2000 through FY-2002. This comparison verifies that actual tax revenues collected were well below tax estimates for the last three years. Currently, the economic situation in the state indicates that the downward trend for revenues has not slowed in FY 2003. We have instituted major cuts by State agencies in answer to these budget shortfalls during the past two years and additional cuts this fiscal year.

Enclosure B shows the current status of the State's Disaster Trust fund. A shortfall of \$9.5 million dollars exist in the State Disaster Trust Fund as a direct result of obligations incurred by current open major disasters, two of which occurring in the past four months. The status of this fund further highlights the great difficulty that the State has in assisting the City and County of Newton in mounting an effective recovery from this disaster.

The facts highlighted above reinforce my original request that the state per-capita be waived. Waiving the State per capita in accordance with Section 206.48(a)(2) of 44 CFR Subpart B under the Stafford Act is clearly warranted; therefore, I respectfully urge that you repeal your decision and grant the federal assistance I originally requested under the Stafford Act on December 23, 2002 for Newton County.

Yours very truly,

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RM/lks

Pc: Sen. Trent Lott  
Sen. Thad Cochran  
Cong. Roger Wicker  
Cong. Bennie Thompson  
Cong. Chip Pickering  
Cong. Gene Taylor  
File