

Analysis of the FEMA Public Assistance (PA) Program

Final Task Report

30 April 2011



HOMELAND SECURITY

STUDIES AND ANALYSIS INSTITUTE

An FFRDC operated by Analytic Services Inc. on behalf of DHS

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Prepared for
Department of Homeland Security,
Federal Emergency Management Agency

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HSI’s research is undertaken by mutual consent with DHS and is organized by Tasks in the annual Institute Research Plan.

This study plan presents the task background and approach that will be used to conduct:

The PA Program Analysis is a sub-task of 10-17: Analytic Support for FEMA Disaster Operations Directorate (DOD)

The purpose of this task is to conduct an analytic review of the PA Program and provide recommendations to improve the overall effectiveness and efficiency of the program.

The results presented in this study plan do not necessarily reflect official DHS opinion or policy.



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TABLE OF CONTENTS

Executive Summary	1
Background	1
Purpose	1
Key Findings and Recommendations	1
The Way Forward.....	2
I. Introduction	3
II. Background	6
III. Methodology	9
IV. PA Program Analysis	12
Key Finding 1	12
Key Finding 2.....	13
Key Finding 3.....	14
V. Recommendations	15
VI. The Way Forward	22
Appendix 1: Public Assistance Program Background	25
Appendix 2: Inventory of Documents Reviewed	31
Appendix 3: Program Requirements, Statutory Authority, and Regulations	35
Appendix 4: Current Process Flow Diagrams	61
Appendix 5: Program Metrics	73
Appendix 6: Key Findings and Recommendation Reference Tables	75
Appendix 7: Key Finding 1 Recommendations	79
Appendix 8: Key Finding 2 Recommendations	93
Appendix 9: Key Finding 3 Recommendations	113
Appendix 10: Summary of PA Program Recommendations	121

LIST OF FIGURES

FIGURE 1: OVERVIEW OF PA PROGRAM REVIEW METHODOLOGY	9
FIGURE 2: OUTLINE OF PHASE I STEPS	9
FIGURE 3: OUTLINE OF PHASE II STEPS	10
FIGURE 4: OUTLINE OF PHASE III STEPS.....	11
FIGURE 5: OUTLINE OF PHASE IV STEPS.....	11
FIGURE 6: PUBLIC ASSISTANCE PROGRAM PROCESS	28
FIGURE 7: OVERALL FEMA PA PROGRAM PROCESS	61
FIGURE 8: PRELIMINARY DAMAGE ASSESSMENT (PDA).....	62
FIGURE 9: APPLICANT'S BRIEFING	63
FIGURE 10: SUBMISSION OF RPA AND KICK-OFF MEETING.....	64
FIGURE 11: SMALL PROJECT PW FORMULATION	65
FIGURE 12: LARGE PROJECT PW FORMULATION.....	66
FIGURE 13: PROJECT REVIEW	67
FIGURE 14: OBLIGATION OF FUNDS.....	68
FIGURE 15: APPEALS PROCESS, STEP 1	69
FIGURE 16: APPEALS PROCESS, STEP 2.....	70
FIGURE 17: STATE AND APPLICANT RELATIONSHIP	71
FIGURE 18: PROJECT CLOSEOUT PROCESS.....	72
FIGURE 19: CURRENT SMALL PROJECT FUNDING AND CLOSEOUT PROCEDURES	88
FIGURE 20: CURRENT LARGE PROJECT FUNDING AND CLOSEOUT PROCEDURES.....	88
FIGURE 21: PROPOSED FUNDING AND CLOSEOUT PROCEDURES FOR ALL PROJECTS	91
FIGURE 22: PROPOSED STRUCTURE OF THE FORMAL GRANT APPLICATION PROCESS	98
FIGURE 23: PERCENT OF PROJECT WORKSHEETS OBLIGATED.....	105

LIST OF TABLES

TABLE 1: ANNUAL NUMBER OF PRESIDENTIAL DECLARATIONS FOR FEMA'S PUBLIC ASSISTANCE PROGRAM	25
TABLE 2: AVERAGE TOTAL OBLIGATIONS BY YEAR AND BY DECLARATION FOR MAJOR DISASTERS	26
TABLE 3: AVERAGE TOTAL OBLIGATIONS BY YEAR AND BY DECLARATION FOR EMERGENCIES	26
TABLE 4: KEY FINDING 1 RECOMMENDATION REFERENCE TABLE.....	75
TABLE 5: KEY FINDING 2 RECOMMENDATION REFERENCE TABLE.....	75
TABLE 6: KEY FINDING 3 RECOMMENDATION REFERENCE TABLE.....	76

EXECUTIVE SUMMARY

Background

The Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Program is one of FEMA's largest disaster assistance programs. With a stated objective "to assist communities in recovering from the devastating effects of disasters by providing technical assistance and financial grants in an efficient, consistent and customer-friendly manner," the program is an essential support element for community restoration and return to normalcy.¹

The regulations, policies and procedures governing the implementation of the PA Program are highly structured and intended to facilitate timely and prudent decisions to advance community recovery. However, these regulations, policies and procedures are also very complex and subject to variances in interpretation and disaster magnitude. FEMA would like to ensure that this assistance program is as effective and efficient as possible; not a prolonged, unwieldy, and frustrating exercise for all involved.

Purpose

The purpose of this task was for the Homeland Security Studies and Analysis Institute (HSI) to provide an impartial analysis of the PA Program as well as recommendations to improve its overall effectiveness and efficiency.

This report provides findings and corresponding recommendations for enhancing the effectiveness and efficiency of the PA Program. It is the revised, expanded, and refined version of a preliminary report that was submitted on December 12, 2010. The preliminary report contained only those elements of the task methodology and analysis that could be completed within the first 90 days of the task. This final report provides findings and recommendations based on the execution of the methodology and analysis as detailed herein.

Key Findings and Recommendations

The following key findings and recommendations are derived from the research and analysis conducted throughout the duration of this task. Each finding and recommendation is presented in context throughout the report.

Key Finding 1: There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of program applicants for initial allocations of federal funds.

Key Recommendation 1: The conceptual view of the PA Program as a reimbursement, after-the-fact program should change to better accommodate applicant requirements.

Key Finding 2: The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and a perceived unfairness in many aspects of program implementation.

¹ "Public Assistance Grant Program." Federal Emergency Management Agency, accessed December 10, 2010. www.fema.gov/government/grant/pa/index.shtm.

Key Recommendation 2: The PA Program should become more objective in how it is implemented.

Key Finding 3: The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable.

Key Recommendation 3: FEMA should strive to achieve a consistent level of understanding concerning laws, rules and requirements of the PA Program amongst its staff. FEMA should more extensively educate PA Program applicants about the program's processes and each party's needs and expected outcomes.

The Way Forward

While the key findings and recommendations above are fundamental to understanding the basis of the changes suggested for the PA Program, HSI recommends the continuation of research efforts focused in the following areas:

Develop and Implement an Outreach Strategy: While FEMA does issue a customer satisfaction survey to every user, the survey does not collect quantifiable statistics that could inform improvements, nor does the survey provide the qualitative data required to assess the underlying reasons behind end-user satisfaction or dissatisfaction. Therefore, FEMA should develop and implement a comprehensive outreach strategy to collect quantifiable end-user data.

Collect Existing Recommendations and Determine Progress: This study makes 20 recommendations intended to streamline the existing PA Program. However, several additional reports and studies have also been previously conducted by others to address increasing the overall effectiveness and efficiency of the program. FEMA should compile all findings and recommendations into a single tracking matrix and assess the overall progress of implementing recommendations from all sources.

Seek Senior Leadership Guidance: After compiling identified end-user issues (step 1) and completing the trend analysis on existing findings and recommendations (step 2), FEMA senior leadership should review, prioritize and determine the feasibility of implementing the various recommendations.

Refine and Vet the Recommendations for the PA Program: Following the guidance from senior leadership, FEMA should refine and validate the selected recommendations. Transparent and collaborative planning, both internal and external to FEMA, is critical to any changes made to the PA Program.

Implementation Planning: An implementation plan for selected recommendations should identify all relevant stakeholders, the role of each entity, and who will be responsible for overseeing the implementation.

Conduct Pilot Study with Metrics: Prior to implementing the selected recommendations, FEMA should consider performing a proof-of-concept pilot study to determine if they are viable within the PA Program. Ideally, the pilot program should create metrics for each proposed recommendation to provide FEMA senior leadership with the ability to judge the level of success of the proof of concept study.

I. INTRODUCTION

The Federal Emergency Management Agency (FEMA) asked the Homeland Security Studies and Analysis Institute (HSI) to provide analytic support for a review of its Public Assistance (PA) Program and to recommend any changes appropriate and necessary to improve program design and implementation, specifically, the overall effectiveness and efficiency of the PA Program.

This is the second and final HSI report developed for FEMA's Recovery Directorate over a six month period regarding the analysis of the PA Program. The preliminary report submitted on December 12, 2010, included analyses based on the first 90 days of this study's research. This final report provides the conclusions and recommendations derived during the entirety of the task.

However, it should be acknowledged that one of HSI's guiding assumptions of this study is that the PA Program exists and will continue to exist in a dynamic environment. As such, the program cannot be analyzed in a one-time effort, but rather should undergo frequent program evaluation to meet changing demands and priorities. As a result, while the recommendations in this report are intended to enhance the current PA Program, they do not necessarily provide a solution that will endure for an extended period of time.

Project Scope

The purpose, analytic approach, quality control, and management processes for this task were outlined in a study plan developed with FEMA sponsors at the outset of the endeavor. Several conditions were established in the study plan that limited the scope and duration of the review, and hence its results. As the project evolved, adjustments were made to the study plan to ensure the most critical items were addressed within the condensed timeframe of this study. However, the study plan was not formally modified to reflect these changes.

HSI was tasked by FEMA Recovery to review the PA Program and provide recommendations to improve the overall effectiveness and efficiency of the program.

HSI utilized two central questions to guide the review process:

1. Does the PA Program currently fulfill its statutory mission in the most effective and efficient manner?²
2. What changes (if any) are needed for the PA Program to fulfill its mission in the most effective and efficient manner?³

These questions were part of the analytical framework used for the task and were instrumental in the HSI team's gathering of knowledge and information from subject matter experts during interviews and group

² For the purposes of this task, the level of program effectiveness is determined by assessing if the stated program mission is fulfilled. The program mission and the governing statutes are explained in the "Background" section of this report.

³ For the purposes of this task, efficiency is determined by assessing how successfully the mission is fulfilled in terms of cost, time, and staff.

sessions. Continually returning to these questions allowed the analysts to ensure all research activities and information garnered from interviews remained within the scope of the project.

At the request of the sponsor, HSI was specifically directed to complete the following activities:

- Assess and understand the relevant statutory, regulatory and public policy guidance related to the PA Program.
- Review the PA Program, specifically the project worksheet (PW) process and supporting procedures; project tracking system; overall structure and guiding premise; staffing and experience level of field personnel; and sufficiency of program guidance.
- Identify activities performed under the PA Program that surpass its statutory, regulatory, or policy mandate to determine what implementation activities could occur in the short- and long-term (e.g., guidance mandated under statute would take longer to implement), or are redundant with other federal, state, local or private efforts.
- Conduct site visits and interviews (with states, federal partners, associations, private sector and other interested parties, as well as appropriate FEMA staff) to determine existing effectiveness and efficiency gaps within the program. *With sponsor acknowledgement, this activity was not completed due to the condensed timeframe.*
- Assess the effectiveness of the current funding process for debris removal operations and determine if an approved unit cost for debris removal is appropriate and achievable.
- Determine how the PA Program can more effectively and efficiently perform its function while continuing to guard against waste, fraud and abuse (specifically, determine whether PA activities need to be enhanced, reduced or maintained at current levels of performance, eliminated, or moved to another functional area within or outside FEMA).
- Provide explicit reasons for recommendations and link them to current performance measures, where possible. This includes recommending new performance measures, as needed. *With sponsor acknowledgement, this activity was not completed due to the condensed timeframe.*

Scope Limitations:

Static Statutory Environment

At the sponsor's request, the original scope of this study assumed a static statutory environment. The majority of the analysis and proposed recommendations were developed under the assumption that there will be no changes to the laws that govern disaster recovery. As a result, this study does not recommend any changes to the current version of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act). The analysis was largely focused on those actions permitted by current law and was not a full and unrestricted analysis of the nation's disaster recovery statutory framework.

However, as an addendum to this report, HSI has drafted a white paper that presents preliminary thoughts and observations for holistic programmatic changes that may require statutory reforms. These preliminary observations encroach upon the current limitations of the Stafford Act and will likely require statutory amendments to implement. The distribution and application of the white paper is at the discretion of the sponsor.

Scale of Analysis

The PA Program operates across the state, local, and federal levels and is expected to be scalable to all sizes of declared disasters. This task is focused on enhancing PA Program operations for large-scale catastrophic disasters. For the most part, the program effectively and efficiently functions for small to medium disasters. Furthermore, FEMA does not have authority over all stakeholders that contribute to the execution of the PA Program and some of the PA programmatic issues originate outside of FEMA. This report only identifies root causes and recommendations that are directly tied to FEMA's execution of the program.

Anecdotal End-User Data

A significant limitation to the execution of this study is the lack of quantifiable end-user data. End-users of the PA Program are identified as subgrantees at the state and local level who have utilized the program. While FEMA does issue a customer satisfaction survey to every user, the survey is not currently designed to (1) collect quantitative data that can be used to improve program performance, or (2) determine the qualitative data required to assess the underlying reasons behind end-user satisfaction or dissatisfaction. In the absence of quantitative and qualitative end-users data, the representation of the end-user perspective is entirely anecdotal in nature.

Report Structure

This report is structured as follows:

- The **Introduction** provides details of project scope and limitations.
- The **Background** section provides insight into the issues surrounding the efficient and effective implementation of the PA Program.
- The **Methodology** section details HSI's analytic approach.
- The **Analysis** section details the three key findings resulting from analysis conducted throughout the duration of the task.
- The **Recommendations** section provides detailed clarification of the recommendations.
- The **Way Forward** section identifies how the information and analysis should be expanded to implement the study.

II. BACKGROUND

The PA Program is a grant program created by FEMA to implement sections 403, 406 and 407 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act). While other provisions of the Stafford Act and other statutes directly and indirectly affect the PA Program, sections 403, 406, and 407 form the core of the program and its basis in law.^{4,5}

These core statutory provisions grant the President of the United States broad authority to assist communities affected by emergencies and major disasters after a presidential disaster declaration. These statutory provisions authorize the use of federal funds and personnel to remove debris removal, fund various emergency protective measures, and pay for the repair or replacement of damaged or destroyed public infrastructure (and certain infrastructure owned by private nonprofit entities). In addition, they can fund a variety of efforts to mitigate similar damage from occurring in the future.⁶

The President has significant discretion and latitude within these broad authorities on what types and amounts of federal assistance may be provided, what processes may be used to provide it, and the general objectives for providing assistance. The only guiding principles offered by law appear in a general statement contained in the Stafford Act:

Because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.⁷

In practice, the President has delegated this authority to the Secretary of the Department of Homeland Security, who has further delegated the authority—and responsibility for exercising it—to the FEMA Administrator.⁸ Over time, the FEMA staff has developed the following mission statement for the PA Program, consistent with the Stafford Act statement above:

To assist communities in recovering from the devastating effects of disasters and emergencies by providing technical assistance and financial grants in an efficient,

⁴ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Operations Manual, draft*. 2010.

⁵ E. Bazan, et al. *Robert T. Stafford Disaster Relief and Emergency Act: Legal Requirements for Federal and State Roles in Emergency or a Major Declaration of a Disaster*. United States Library of Congress, Congressional Research Service (CRS) Report for Congress. RL33090. 2005.

⁶ United States Department of Homeland Security, Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

⁷ *Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities, title I, section 101*. 2007.

⁸ K. Bea. *Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding*. United States Library of Congress, Congressional Research Service (CRS) Report for Congress. RL33053. 2006.

effective, consistent, and customer-friendly manner. We will accomplish the mission by having experienced, trained, knowledgeable and friendly staff; well documented, easy-to-understand and accessible policies and procedures; timely and transparent decision-making; and a strong partnership with the states. We will continuously seek and identify opportunities to improve program delivery.⁹

Neither the Stafford Act nor FEMA's PA Program mission statement identifies specific objectives. The strategic objectives common to both passages are speed (a quick response and recovery) and assistance (to supplement and not supplant the efforts and decisions of non-federal entities). However, a quick response and recovery does not necessarily result in a prudent, cost-effective, or complete response and recovery. FEMA can provide various degrees of assistance for various reasons. Particularly in the area of recovery, the lines can often blur between repair, reconstruction, and rehabilitation.

The PA Program's authorities lack specific objectives in respect for the sovereignty of state, local, tribal, and territorial governments' rights to make their own response and recovery decisions and use their own resources to every possible extent.

The resulting flexibility and the open-ended goals of the Stafford Act are unique in comparison to most federal programs. As a result, the FEMA Administrator and his staff are presented with several difficult implementation challenges, including how to:

- Develop and implement an efficient grant program and other mechanisms that provide federal assistance to affected communities in the most effective, timely, and cost-efficient way.
- Implement a program that is scalable and flexible considering the differing conditions created by a range of hazards in affected communities with varying levels of preparedness, capability, management competency, and economic and financial resources.
- Assist affected communities in expediting response and recovery efforts by supporting their needs and requirements while complying with the competing requirements of other laws and regulations governing FEMA's expenditure of federal funds.
- Simplify the PA system to best assist officials who often are mentally and physically fatigued by the disasters to which they are responding and recovering, and operating under adverse conditions with only partial resources.

In the absence of specific federal objectives and articulated outcomes, the PA Program has been developed to reimburse affected state, local, tribal, and territorial governments and certain nonprofit entities: (1) without providing windfall benefits to those affected by declared events; (2) in a manner that imposes federal management controls aimed at discouraging waste, fraud, or abuse; and (3) through a process that ensures environmental factors are weighted equally when compared to other factors in the decision-making process. Each of these program limitations is supported by law. Some key restraints on the amounts and eligible uses of PA Program grant dollars appear in the Stafford Act. Management controls are imposed not only by prudence, but also by the Grant Management Act, Office of

⁹ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Operations Manual, draft*. 2010.

Management and Budget (OMB) circulars, and other directives.^{10,11} Appendix 1 provides a detailed explanation of the origin and execution of the PA Program.

¹⁰ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Policy Digest*. FEMA 321. 2008.

¹¹ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Guide*. FEMA 322. 2007.

III. METHODOLOGY

To provide a logical approach for identifying, understanding and recommending changes to the PA Program, the HSI task methodology consisted of four phases. The phases were supported by PA Program research (open source documents and selected FEMA internal working papers), stakeholder expertise, and findings from HSI’s previous efforts to analyze the PA Program. Figure 1 provides an overview of the PA Program analysis task methodology.

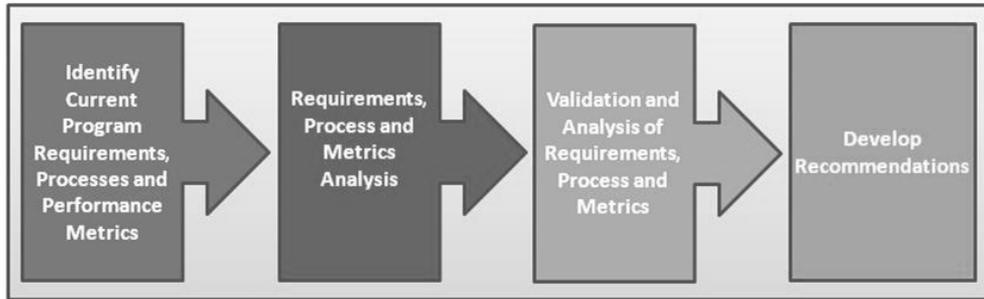


Figure 1: Overview of PA Program Review Methodology

Phase I: Identify Requirements, Process and Performance Metrics

The first phase of the methodology consisted of a programmatic review to identify current PA Program requirements, processes and performance metrics. This process is illustrated in Figure 2. The analysis performed during phase one included an extensive review of existing data collected from program documents, previous PA Program studies and reviews, internal and external reports, subject matter expert (SME) interviews, and stakeholder input.

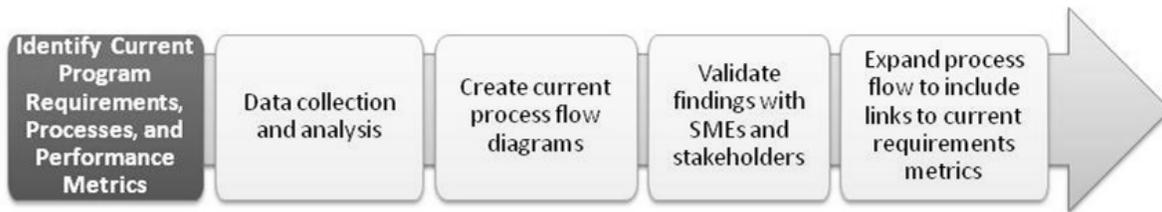


Figure 2: Outline of Phase I Steps

To initiate this review, HSI created a comprehensive inventory of relevant PA Program documents. This inventory was then validated by the sponsor prior to beginning data collection. The complete and validated inventory can be found in Appendix 2.

Program requirements, processes and metrics were then collected from the inventoried documents and captured as follows:

- Program requirements were collected into a spreadsheet that cross-referenced reviewed statutory authority and regulation with FEMA doctrine (see Appendix 3);
- Program processes were illustrated using process flow diagrams to demonstrate the “as is” step-wise nature of the process (see Appendix 4); and
- Program metrics were collected as a narrative (see Appendix 5).

Upon completion of the literature review, the collected data was then validated by the sponsor, subject matter experts, and selected stakeholders to ensure its accuracy.

Phase II: Requirements, Process and Metrics Analysis

The second phase of the methodology consisted of determining the origin, purpose and intended outcome of selected requirements, processes and metrics. This process is illustrated in Figure 3. Specifically, the origin, purpose and intended outcome were loosely determined from program requirements identified in Phase I. As previously stated, these requirements were drawn from statutes and regulations. Therefore, the origin and purpose were given.



Figure 3: Outline of Phase II Steps

Processes were primarily collected from FEMA programmatic documents. Determining the origin, purpose, and intended outcome of many of the processes proved difficult. It often appeared that many of the processes were established as a result of agency cultural practices, individual administration goals, or unintended and undesired outcomes during program execution.

Determining the origins, purpose, and intended outcome of the PA Program’s performance metrics also proved difficult because there are only three codified metrics for the program. Additionally, many of the “soft metrics” used in the field by PA staff are self-created metrics that are a result of programmatic culture and, therefore, are not connected to measurable outcomes. FEMA is currently developing and implementing a comprehensive quality assurance/quality control (QA/QC) process for the PA Program. At the time of this study the data had not yet been collected.

Phase III: Validation and Analysis of Requirements and Process

The third phase of the methodology consisted of analyzing and validating the effectiveness and efficiency of each current program requirement, process and metric. This analysis and validation process allowed the team to identify potential improvements to the PA Program. This process is illustrated in Figure 4. The analysis and validation efforts were executed via stakeholder outreach efforts. These efforts included frequent contact with FEMA Headquarters (HQ) stakeholders, additional discussions with PA subject matter experts, and the facilitation of a workshop conducted with members of the PA Steering Committee, which consists of FEMA HQ staff, FEMA regional staff, and various state representatives.

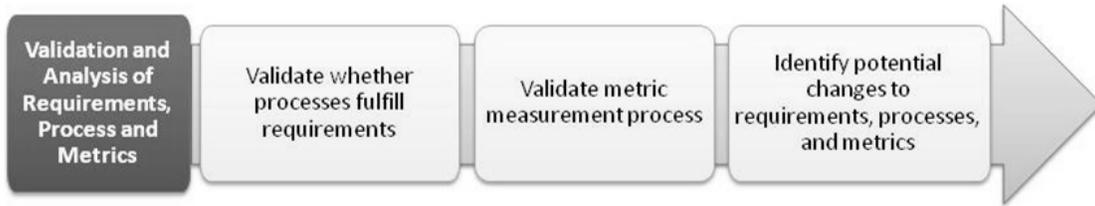


Figure 4: Outline of Phase III Steps

Phase IV: Develop Recommendations

The fourth phase of the methodology focused on vetting the final recommendations for changes in requirements, FEMA process and policies, and program performance metrics. This process is illustrated in Figure 5. The vetting process helped identify all potential consequences—such as technology implications or obstacles—of implementing each recommendation. The recommendations were vetted through preliminary discussions with stakeholders. However, they will eventually require a wider round of stakeholder vetting that includes local-level stakeholders. That process could not be accomplished for this task due to time constraints.



Figure 5: Outline of Phase IV Steps

IV. PA PROGRAM ANALYSIS

The review of the FEMA PA Program resulted in three conclusions—referred to as key findings—and corresponding recommendations (listed in Section V):

1. There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of program applicants for initial allocations of federal funds.
2. The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and perceived unfairness in many aspects of program implementation.
3. The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable.

Each of these key findings is explained in detail below. Each key finding has a corresponding key recommendation that offers broad guidance. There are an additional 20 specific recommendations contained in this report. These recommendations are categorized and grouped under the key recommendation that is most appropriate.

Key Finding 1

Key Finding 1: *There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of the program applicants for initial allocations of federal funds.*

The current PA Program is designed as a reimbursement program for two reasons: statutory requirements and administrative controls.¹² Statutory constraints are the result of several existing laws and regulations that pertain to the PA process. For instance, the National Environmental Policy Act (NEPA) directs federal agencies to thoroughly assess the environmental consequences of "major federal actions significantly affecting the environment."¹³ Before FEMA can fund or implement an action that might affect the environment, agency staff must study the potential impacts that the proposed action and alternatives will have on the human and natural environment, and make that information available to the public. This includes many of the recovery projects undertaken by applicants using PA Program grant funding. Additionally, the Stafford Act limits the purpose of PA Program funding to offset damage caused by the declared event. It limits eligible costs to an amount necessary to return a facility to its design "as it existed immediately prior to the disaster."¹⁴

Statutory constraints and administrative controls overlap in only one regard: cost-sharing. The PA Program is legally required to include a cost-sharing provision that, while not mandatory, clearly request

¹² State of California, Integrated Waste Management Board. *Integrated Waste Management Disaster Plan: Guidance for Local Government on Disaster Debris Management*. 1997.

¹³ *National Environmental Policy Act of 1969*. Public Law 91-190. 1970.

¹⁴ Robert T. Stafford Disaster Relief and Emergency Assistance Act, title IV section 406. 2007.

affected communities to match a percentage of the assistance they receive. Sharing the cost of recovery decisions encourages restraint and inhibits waste and abuse by all parties. While it adds to the administrative process, it is considered to be a fundamentally good and responsible aspect of the PA Program.

A constant tension exists between the federal government's practice of administering a reimbursement program—one designed to reimburse actual costs and judge the recovery decisions of affected communities after they have been made—and the affected community's desire for a front-loaded program in which the federal government provides both money and flexible project approvals before all repair and rebuilding decisions are made or costs incurred. For a reimbursement program to succeed, eligible applicants must possess the money necessary to start the work or have a viable means of carrying equivalent debt before receiving federal assistance. However, in many cases, they do not. Predictability is also required for a reimbursement approach to succeed. Under the current system, potential reimbursement recipients cannot predict the level of federal support they will receive without steep administrative burdens.

The push-pull nature of the current system shifts the burden of project development between FEMA and its applicants at several points in the process. Supporting the requirements of applicants while complying with the competing requirements of federal laws and regulations has, in many ways, necessitated this back-and-forth approach.

A foundational shift in the reimbursement model may be underway. The cost-estimating provisions enacted in law as a part of the Disaster Mitigation Act of 2000 and the FEMA Public Assistance Pilot Program (01 June 2007 through 31 December 2008), reflect a desire to shift away from the traditional reimbursement grant program to a flexible approach that includes front-loaded payments to applicants.¹⁵

The primary challenge to FEMA associated with such a shift is not in cost-estimating (which nevertheless can be complicated). Rather, the principal challenge to FEMA is in relaxing eligible use rules without subjecting the federal coffers to abuse or causing applicants to fear unpredictable recoupment actions.

Key Finding 2

Key Finding 2: The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and perceived unfairness in many aspects of program implementation.

Inconsistency in PA Program decision-making leaves many FEMA decisions open for interpretation without clear rules or precedent against which to judge the appropriateness of any given outcome. According to FEMA field staff, this has led to a perception that the program is unpredictable and unfair. Increased operational consistency is required in the PA Program and should be achieved through a series of reforms ranging from professional development to the creation of centralized data repositories and support functions. The Government Accountability Office (GAO) has recommended several

¹⁵ United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Public Assistance Pilot Program: Fiscal Year 2009 Report to Congress*. 2009.

administrative efficiencies, improved management controls, and technologies that could increase operational consistency.¹⁶

The PA Program uses subjective measures to determine eligibility for reimbursements. These measures were introduced to provide greater flexibility in how eligible grant dollars can be used. The expectation was that greater flexibility would lead to more satisfied applicants and generally faster closeout periods. Instead, subjective judgments have led to protracted eligibility determinations and disagreements between applicants and the federal government over the allowable amounts and uses of PA funding. Subjectivity has also complicated efforts to incorporate alternate dispute resolution.

The PA Program and the Stafford Act (specifically the implementing regulations in 44 CFR- Code of Federal Regulations Title 44) are designed with the flexibility to adapt to the specifics of a given incident. However, the flexible nature of the statute juxtaposed against comparatively rigorous regulations and policies, and their subjective implementation, has also created a problematic environment for any complex project.

Key Finding 3

The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable.

The PA Program involves a series of tasks that must be executed by FEMA staff, state officials, and program applicants. To be effective, FEMA staff must possess an understanding of grant management principles, administrative procedure, community recovery, building codes and construction practices, property insurance, zoning and flood plain ordinances, environmental and historic preservation concerns, and financial management practices. State and local officials involved in the program must also possess the same knowledge base in order for FEMA staff to function efficiently and effectively.

¹⁶ United States Government Accountability Office. *Disaster Recovery: FEMA'S Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding*. GAO-09-129. 2008.

V. RECOMMENDATIONS

The following section summarizes the key findings and accompanying recommendations from this study. The recommendations are interdependent in many ways and not mutually exclusive. For instance, consistent program application can be achieved through advance funding and eligibility decisions, increased flexibility in the use of grant funds, and objective methods for determining the cause of damage. Each recommendation can be singularly implemented as well.

Recommendations Overview

Each recommendation is presented below with an accompanying summary of the salient supporting information. For a complete background and explanation of each recommendation, refer to the following appendices:

- Appendix 6: Key Findings and Recommendations Reference Tables
- Appendix 7: Key Finding 1 Recommendations
- Appendix 8: Key Finding 2 Recommendations
- Appendix 9: Key Finding 3 Recommendations

Key Finding 1: There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of the program applicants for initial allocations of federal funds.

Key Recommendation 1: The conceptual view of the PA Program as a reimbursement, after-the-fact program should change to better accommodate applicant requirements.

Corresponding Recommendations:

1. **Reevaluate the debris removal procedures** in the PA Program by clarifying the rules of eligibility and the definition of a reasonable rate policy for debris removal efforts, addressing methods for expedited reimbursement, as well as the methods for debris disposal.
 - Debris removal generally occurs in a time-compressed environment, without consideration for the rules of the PA Program. Nevertheless, to the extent that those rules result in undue administrative burden on the applicants, unreasonable delay in reimbursement, or substantial amounts of unreimbursed bona fide disaster related costs, reforms should be considered.
 - Current debris removal rules and procedures, particularly those concerning eligibility, are difficult to navigate. This can impede overall process flow and place an undue burden on the applicants. As a result, these procedures should be reevaluated to eliminate any irrelevant or cumbersome rules that can complicate the process unnecessarily.
 - Ambiguity in the reasonable rate policy has resulted in a number of disputes between the applicants and the PA Program. Clarifying this rule could lower the number of disputes and improve the overall PA process.
 - To expedite reimbursement of funds expended for debris removal, eligibility standards should be simplified to improve predictability and reduce administrative costs and request processing time.

- The constraints and complexities of developing and implementing a state and local debris recycling plan should be examined to streamline the process, thereby making it more appealing to the applicant.
- 2. Consider employing the Increase Cost Approach (ICA)** to expedite reimbursement for labor costs under emergency work (as defined in the Stafford Act).
 - Since labor costs are mainly reconciled on an actual basis, the applicant must submit them after the work has been completed and then wait for an eligibility determination. This often causes the applicant to carry a substantial debt for an extended period of time.
 - To expedite reimbursement and reduce disagreements, wide-spread implementation of the ICA should be considered. The ICA approach has been successfully implemented during large-scale disasters in the past. Employing this approach would streamline the PA process by eliminating currently cumbersome steps (such as the review of timesheets).
 - 3. Identify and address potential special considerations** (e.g., environmental issues) as early as possible in the project formulation process.
 - Compliance with legislation that addresses any type of special consideration is a critical component of the PA Program since non-compliance can jeopardize an applicant's funding.
 - Identifying and addressing these considerations as early as possible would limit the possibility of interruptions and duplication of effort later in the process. Some flexibility will still be required as some special considerations take an extended period of time to identify.
 - 4. Give applicants the option of employing the "small project methodology" for all projects** and employing contingency factors within the cost estimating factors (CEF) that decrease over time.
 - Assigning project methodology by the monetary size of the project can result in a long and often arduous process for those whose projects fall within the large project threshold.
 - Allowing applicants to choose which methodology use on a project can reduce a project's timeframe while increasing flexibility and cost management. Implicit within this recommendation is the understanding that a methodology will be necessary for the adjudication of over-runs and under-runs.

Key Finding 2: The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and a perceived unfairness in many aspects of program implementation.

Key Recommendation 2: The PA Program should become more objective in how it is implemented.

Objective rules and consistent rationales are necessary in some aspects of the PA Program and should place increased accountability with grant applicants. Specifically, determinations of reasonable labor rates for debris removal should be determined wherever possible before a disaster and on an objective, and not a comparative, basis. With respect to permanent work, objective methods for determining the cause of damage should be established to distinguish damage caused by a declared event from deferred maintenance, removing as much subjectivity from this particular determination as possible.

Corresponding Recommendations:

5. **Develop and mandate the use of standardized materials** that provide consistent guidance and apply PA Program standards across all levels of program involvement.
 - Current PA Program templates do not account for or accommodate differences in disaster types, staffing levels, geographic considerations, types of applicants, or varying levels of experience with the PA Program. This often leads to inconsistencies both in applicant education and program implementation.
 - A set of FEMA-approved templates housed on the FEMA website should provide uniform guidance to the applicant regardless of program experience level of all involved parties.
6. **Evaluate the quality assurance/quality control (QA/QC) aspect of the PA Program** by validating the metrics that the program currently uses to determine effectiveness. Once the metrics have been validated, train FEMA personnel on the process to ensure uniform compliance.
 - The current PA Program QA/QC metrics do not tie directly to any specific high-level program missions, goals, or objectives, and have not been tested for validity. This potentially limits FEMA's overall understanding of the effectiveness of these metrics.
 - Using industry standards in QA/QC and best practices from other government programs, the PA Program should develop a continuous improvement process, including QA/QC, uniform training, and metrics validation.
7. **Employ web-based tools** to improve and expedite the process in the execution of the PA Program.
 - The current Emergency Management Mission Integrated Environment (EMMIE) PA suite is designed to streamline the grant process from end-to-end. However, it is unused or underutilized by applicants and states. As a result, technical and administrative resources must be sent to the field to work directly with the applicants.
 - To better utilize resources and limit applicant processing time, the scope of EMMIE should be widened, or a web-based technological solution that incorporates centralized processing should be developed.
8. **Restructure the PA Program application process into a cohesive and iterative process** that ensures consistent dissemination of information and repairs the disjointed relationship between the current application steps.
 - The PA Program's current application process lacks a formal step-by-step grant application process that is easily conveyed to program applicants.
 - The current application process should be restructured into a cohesive and iterative process. This should include a full process illustration and accompanying narrative that strengthen and define the grant application steps. The illustration and narrative can be used in all FEMA materials.
9. **Transform the kick-off meeting into an interactive and iterative process** that works with the project formulation step to arrive at a mutual understanding and agreement of a desired outcome.
 - The purpose of the kick-off meeting between the applicant, the FEMA public assistance coordinator (PAC) and the state's applicant liaison is to assess the applicant's individual needs,

discuss disaster-related damage, and determine a plan of action for repairing the affected facilities.

- The revised meeting process should use standardized materials and focus on clearly outlined objectives. The focus of the initial meetings should include the following: (1) facilitating a dynamic partnership among the applicant, FEMA, and the state; (2) understanding the applicant's vision of the final results of the restoration of the facility; and (3) educating the applicant about how the PA Program can and cannot help him/her recover.

10. Require applicants to sign and submit a certification of accuracy statement with each grant application to ensure accuracy and a full understanding of submitted data and assertions.

- Applicants are not currently required to certify that the data and assertions they present to FEMA are accurate and timely. Certification will increase applicant accountability for materials and requests submitted and convey the importance of data accuracy when requesting federal funds.
- A signed certification of accuracy statement will increase FEMA's confidence in the data and assertions submitted, leading to faster acceptance of applicant information and potentially expedited funding.

11. Assess and validate current program deadlines for effectiveness and applicability. Consider modification and additions of application deadlines may be required.

- There are currently only two process deadlines that PA Program applicants must meet: the deadline to submit an application after the declaration of a disaster and the deadline to appeal after receipt of project rejection notice.
- Additional applicant deadlines should clearly define either the initiation or completion of responsibilities. Such deadlines should clarify the submission of applicant documentation, attendance at the applicant's briefing and kick-off meeting, submission of actual or estimated cost, time allotted for revisions and amendments, project completion, and closeout.

12. Expand the request for public assistance (RPA) into a two-step process initiated by the applicant prior to attendance at the applicant's briefing. The expanded RPA should require more detailed applicant information including a section clearly explaining eligibility criteria, a justification of why the submitting entity meets those requirements, and a preliminary explanation of the damages incurred.

- The RPA is the applicant's official initial request for disaster assistance under the PA Program. Currently, this form asks the applicant for a minimal amount of general information such as identity, location of affected facility, and point of contact.
- The RPA should be expanded into a two-step process that requires the potential applicant to provide more initial information. Additional information requested may include a section clearly outlining applicant eligibility criteria followed by a request for justification.

13. Determine the original intent of the establishment of the Project Worksheet (PW) minimum dollar threshold and evaluate if current amount should be adjusted.

- The current \$1,000 minimum threshold for completing a PW should be reviewed to determine if this amount is still appropriate. Additionally, a regular recurring review of this threshold should be instituted to ensure it is keeping pace with inflation.
- It may be advantageous to widen the scope of administrative efficiency measures to examine not just a single PW threshold, but to establish a threshold for an individual applicant. This approach may help FEMA better assess efficiency for applicants submitting multiple PWs while encouraging applicants to group projects together.

14. Mandate the use of facility assessment support teams (FASTs) and uniform damage assessment checklists to make damage assessments less subjective.

- Damage assessments and related costs are some of the most frequent points of contention between FEMA and applicants. This often leads to the perception that FEMA is not staffed with the appropriate expertise to provide objective damage assessments. Additionally, applicants may assume that FEMA staff are unduly concerned with cost savings rather than identifying damages and eligible repairs, and therefore cannot be objective during this process.
- FASTs can help FEMA and applicants reach consensus regarding eligible PA damages.

15. Employ alternative dispute resolution practices to reduce potential bottlenecks within the PA Program. These alternative processes may include the use of mediation and arbitration rather than formal appeals.

- In 2009, the PA Program announced an arbitration process that would serve as an alternative to the current appeals process for projects related to hurricanes Katrina and Rita. However, the appeals process is still widely used by applicants disputing funding decisions, causing bottlenecks in the PA Program.
- A formal inclusion of a mediation or arbitration process could replace the appeals process for particular steps in the PA Program, which would result in an expedited decision-making process.

Key Finding 3: The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable.

Key Recommendation 3: FEMA should strive to achieve a consistent level of understanding concerning laws, rules and requirements of the PA Program amongst its staff. FEMA should more extensively educate PA Program applicants about the program's processes and each party's needs and expected outcomes.

From the FEMA perspective, the effective implementation of the PA Program requires common purpose across all FEMA regions and highly skilled employees that can foster a unity of effort, resulting in the coordination and cooperation between FEMA and eligible applicants toward common objectives. A consistent, nationwide strategic planning approach is needed. To achieve it, professional development becomes an integral element. Enhanced education and training are needed to produce a cadre of senior professionals with the requisite competencies to effectively manage the PA Program and to train new staff and reservists. This approach must also expand upon the knowledge base, skills, abilities, and experiences that worked well in the past to create a new generation of professional capabilities for the future. These efforts should be included in the overarching FEMA professional development strategy that focuses on

education, training and relevant and varied experience.¹⁷ Accordingly, extensive education and training efforts for state and local officials will also be required.

From the applicant's perspective, the complex PA Program needs to be better explained, its limitations communicated clearly, and its benefits clarified. Formulaic kick-off meetings and group lectures are not enough to properly educate applicants on their responsibilities, build trust, or explain the decisions that will be required. Accordingly, targeted outreach materials and efforts and improvements to post disaster outreach should be undertaken before a disaster strikes.¹⁸

Corresponding Recommendations:

16. Develop and implement a comprehensive professional development program to develop the knowledge, skills and abilities required of FEMA staff within the PA Program.

- Although a handful of training materials exist within the PA Program, it is unclear how many staff members have used them. Developing a comprehensive professional development program for new and current staff will ensure the consistent application of knowledge and processes across the Program.
- Credentialing and certification for training completed should be considered as a means of recognizing accomplishments and tracking remaining staff training needs.

17. Develop pre-disaster applicant education intended to reduce misunderstandings during times of disaster recovery and restoration.

- Communities and applicants are often ill-informed about the PA Program due to the infrequent and unpredictable nature of disasters, which can lead to misunderstandings during the reimbursement process. Educating potential applicants about the PA process before a disaster occurs can reduce confusion during the actual process.
- Applicant training should be tailored to the potential audience, whether at the state or local level.

18. Redesign the applicant's briefing by developing and mandating the use of a uniform template that has accompanying speaker notes concisely guiding the speaker through the presentation.

- Although each applicant's briefing delivers the same basic information (e.g., outline of process, eligible work categories, etc.) there is no uniformity in how this knowledge is presented. The resulting ambiguity can frustrate applicants during a period of high stress.
- Because this meeting is often the first interaction an applicant has with the Program, it is critical that the briefing be delivered in a clear, concise, and uniform manner.

19. Develop timeframes for each programmatic step that clearly identify the advantages and disadvantages of completing the task within the allotted time period.

¹⁷ United States Government Accountability Office. *Disaster Recovery: FEMA'S Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding*. GAO-09-129. 2008.

¹⁸ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Applicant Handbook*. FEMA P-323. 2010.

- Poor time management can impede progress during the PA process. Fluid and unclear program timeframes contribute to time management issues.
- The developing and sharing program time frames will increase applicant's understanding about the advantages of completing process steps in a timely manner and it will encourage them to help keep the process moving along at a steady pace.

20. Increase the current administrative allowance to adequately address the cost burden incurred by states and applicants.

- During a disaster, the state and applicant often incurs substantial administrative costs. The program currently provides only a locked-in percentage rate for administrative costs based on the projection of the federal share for financial assistance for the PA Program per declaration. This amount is frequently not enough to cover the state administrative costs. As a result, the neither the state nor the applicant is able to completely recoup these costs.
- Increasing the administrative allowance would reduce some burden on the state and possibly allow the state to pass some of those administrative funds to the applicant.

VI. THE WAY FORWARD

While the HSI findings and recommendations are a significant step in proposing reforms to the FEMA PA Program, work still needs to be completed. In an effort to assist FEMA, this report provides a suggested action plan for the way forward that recommends next steps to improve the effectiveness and efficiency of the PA Program. The steps are presented for execution. However, based on the scope of continuing efforts, the order and suggested approach may need to be adjusted.

Develop and Implement an Outreach Strategy

As previously noted, a significant limitation to the execution of this study is the lack of quantifiable end-user data. End-users of the PA Program are identified as subgrantees at the state and local level. While FEMA does issue a customer satisfaction survey to every user, the survey does not collect quantifiable statistics that could inform improvements, nor does the survey provide the qualitative data required to assess the underlying reasons behind end-user satisfaction or dissatisfaction. Quantifiable end-user data is essential to the continuing analysis of the PA Program because it allows FEMA to define problems holistically. In the absence of quantifiable data, the representation of end-user needs is entirely anecdotal. End-users did not participate in any of the stakeholder meetings during the course of this study.

FEMA should develop and implement a comprehensive outreach strategy to collect quantifiable end-user data and define end-user issues. The two methods that FEMA should consider employing to collect end-user data include administering surveys and hosting focus groups. A survey can provide a broad understanding of the program issues and help FEMA move away from anecdotal evidence. Once the results of the survey have been analyzed, FEMA should host focus groups to elicit more in-depth end-user input. The focus groups should employ structured interview questions based on the survey results. After the completion of the survey and accompanying focus groups, the collected data should be analyzed, and findings regarding end-user issues should be identified.

Collect Existing Recommendations and Determine Progress

This study resulted in 20 recommendations that are intended to streamline the existing PA Program. However, several additional reports and studies have examined the overall effectiveness and efficiency of the program. The following reports provide additional relevant and timely recommendations:

1. U.S. Government Accountability Office. *FEMA's Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding*. December 2008.
2. U.S. Department of Homeland Security, Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. December 2009.
3. U.S. Department of Homeland Security, Office of Inspector General. *2007 Debris Removal Pilot Programs and Initiatives*. January 2009.
4. U.S. Department of Homeland Security, Office of Inspector General. *Improvements Needed in FEMA's Management of Public Assistance – Technical Assistance Contracts*. October 2010.
5. U.S. Department of Homeland Security, Office of Inspector General. *Opportunities to Improve FEMA's Public Assistance Appeals Process*. March 2011.
6. The U. S. Conference of Mayors. *Report of the Stafford Act Reform Task Force*. January 2010.

7. University of New Orleans Center for Hazards Assessment, Response and Technology & North Carolina State University. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: The Federal Role*. June 2010.
8. University of New Orleans Center for Hazards Assessment, Response and Technology. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: Recommendations for Public Assistance*. 2010.

FEMA should compile all findings and recommendations into a single document. This document should include the findings and recommendations of this study, as well as the aforementioned reports. Appendix 10 contains a draft of such a composite report. Once all of the findings and recommendations are compiled, FEMA should assess the information to:

- Utilize the end-user data collected by the survey and focus groups to further assess the validity of recommendations
- Prioritize and track the progress and implementation of the recommendations

Seek Senior Leadership Guidance

After compiling identified end-user issues (step 1) and completing the trend analysis on existing findings and recommendations (step 2), FEMA senior leadership should review, prioritize and determine the feasibility of implementing the various recommendations.

Refine and Vet of the Recommendations for the PA Program

FEMA should refine and validate the recommendations that senior leadership wishes to pursue. It is important that stakeholders from all levels of the program have an opportunity to review the recommendations and provide comments and analysis before considering further implementation. Transparent and collaborative planning is critical to any changes made to the PA Program.

Ideally, all levels of the program would be involved in a transparent and collaborative planning process that includes:

- A clear understanding of existing problems within the PA Program
- A presentation of each recommendation and an explanation of how it is designed to address one or more of the existing problems
- Completion of the vetting process with staff at FEMA headquarters and regional offices, state personnel, and local stakeholders
- Detailed explanation of the likely implementation process for the finalized recommendations

To test the validity of the recommendations and to ensure proper integration into the PA Program process, the following participants should be included:

- FEMA Office of Chief Counsel (OCC)
- FEMA Program Analysis and Evaluation Division (PA&E)
- FEMA Office of Policy and Program Analysis (PPA)
- FEMA regional offices
- State personnel
- Local stakeholders

Implementation Planning

Implementing each recommendation will affect a different spectrum of offices and entities within FEMA, the PA Program, and external stakeholders. Planning should begin with the identification of all relevant stakeholders in the process, the role of each entity, and who will be responsible for overseeing the implementation. Following the delegation of authority, responsible parties will need to determine the execution needs of each specific recommendation and the best method for addressing them.

Perhaps the most critical consideration for implementation is the designation of a team that solely responsible for leading changes to the PA Program. Implementation will require a focused and coordinated full-time effort that should be undertaken by a team, acting on behalf of FEMA senior leadership, to execute this singular mission in close coordination with PA Program managers. It is unrealistic to use headquarters staff for this purpose given their existing responsibilities.

Conduct Pilot Study with Metrics

While proposed recommendations and accompanying action plans often seem theoretically practical, FEMA should consider performing a proof-of-concept pilot study to determine if the selected recommendations proposed for the PA Program are viable. The pilot program should create measureable metrics for each proposed recommendation and provide FEMA leadership with the ability to judge the level of success of the proof-of-concept study.

APPENDIX 1: PUBLIC ASSISTANCE PROGRAM BACKGROUND

Origin and Purpose of the Program:

The Public Assistance (PA) program is a grant program executed by the Federal Emergency Management Agency (FEMA), designed to implement and execute sections 403, 406, and 407 of the Robert T. Stafford Act. These statutory provisions grant the President of the United States broad authority to assist communities affected by emergencies and major disasters, authorize federal funding and technical assistance for debris removal and emergency protective measures during and after presidentially declared events, and authorize permanent work to repair or replace infrastructure damaged or destroyed by such events.¹⁹ The PA Program is intended to supplement any insurance or other form of assistance that an eligible entity receives. The program is built on a partnership between FEMA, state, and local officials to aid communities in their response and recovery from major disasters and emergencies. For the purposes of the PA Program, a *major disaster* is defined as any natural or man-made catastrophe that the President deems severe enough to warrant major disaster assistance as stipulated by the Stafford Act. Emergencies are considered any occasion or instance when the President determines the need to supplement state and local efforts and capabilities to save lives, protect public health and safety, or protect property. Table 1 illustrates the annual number of presidential declarations requiring grants from the PA Program between 1999 and 2008.

Table 1: Annual Number of Presidential Declarations for FEMA's Public Assistance Program²⁰

Year	Major Disaster	Emergency
1999	44	20
2000	38	6
2001	43	11
2002	44	0
2003	49	19
2004	58	7
2005	45	68
2006	49	5

¹⁹ The President has delegated his authority to the Secretary of Homeland Security, who has further delegated the authority—and responsibility for exercising this authority—to the FEMA Administrator.

²⁰ “Number of Declarations Per Calendar Year Since 1999.” 2010. Federal Emergency Management Agency, accessed November 19, 2010. www.fema.gov/government/grant/pa/stat1.shtm

FEMA Public Assistance Program Analysis

2007	55	13
2008	71	17
Average	49.6	16.6

Tables 2 and 3 describe the eligible uses for PA grant assistance as well as the division of average obligations per year to eligible uses.

Table 2: Average Total Obligations by Year and by Declaration for Major Disasters²¹

	Average Obligations Per Year	Average Obligations Per Declaration
A- Debris Removal	\$685,853,901	\$13,883,682
B- Protective Measures	\$634,477,556	\$12,843,675
C- Roads & Bridges	\$243,547,227	\$4,930,106
D- Water Control Facilities	\$61,778,748	\$1,250,582
E- Public Buildings	\$598,940,220	\$12,124,296
F- Public Utilities	\$366,360,425	\$7,416,203
G- Recreational or Other	\$124,263,815	\$2,515,462
Z- State Management	\$169,160,118	\$3,424,294
Total:	\$2,884,382,010	\$58,388,300

Table 3: Average Total Obligations by Year and by Declaration for Emergencies²²

	Average Obligations Per Year	Average Obligations Per Declaration
H- Debris Removal	\$1,338,511	\$94,930
I- Protective Measures	\$151,324,056	\$10,732,203
J- Roads & Bridges	\$316	\$22
K- Water Control Facilities	\$0	\$0

²¹ “Average Total Obligations by Year and by Declaration.” 2010. Federal Emergency Management Agency, accessed November 19, 2010. www.fema.gov/government/grant/pa/stat2.shtm.

²² Ibid.

L- Public Buildings	\$0	\$0
M- Public Utilities	\$20,336	\$1,442
N- Recreational or Other	\$1,341	\$95
Z- State Management	\$612,100	\$43,411
Total:	\$153,296,659	\$10,872,103

Program Execution:

PA Program projects can fall into one of two categories, each with a different statutory basis and eligibility criteria:

1. Emergency work includes debris removal and a host of emergency protective measures
2. Permanent work involves permanent restoration of damaged or destroyed facilities

Since the PA Program is a federal grant program, there are certain restrictions on who qualifies as an eligible applicant. The short list includes state and municipal governments and certain private nonprofit facilities that provide critical community services. Applicants apply for and receive federal grant money to pay for or offset the costs associated with a declared disaster or emergency.

FEMA traditionally administers this grant program on a reimbursement basis. To accomplish this task, the PA Program developed an administrative process. The process hinges on two steps: (1) developing and approving a scope of work and eligibility, usually with a high degree of exacting detail and within specific criteria; and (2) reimbursing actual costs as they are incurred, provided they are consistent with approved details.

The PA Program officially begins at a public briefing, during which the state informs the audience in attendance about what entities and types of work are eligible for financial assistance. Once the appropriate paperwork is filed, the PA Program opens a worksheet for each project. The applicant and FEMA then agree on the costs for removal, repair, or replacement; and funds are obligated from FEMA to the state to finance the project. Upon project closeout, FEMA reviews and confirms that funds were appropriately used for the project identified during project formulation. Figure 6 illustrates the complete PA Program process and the following section provides further explanation.

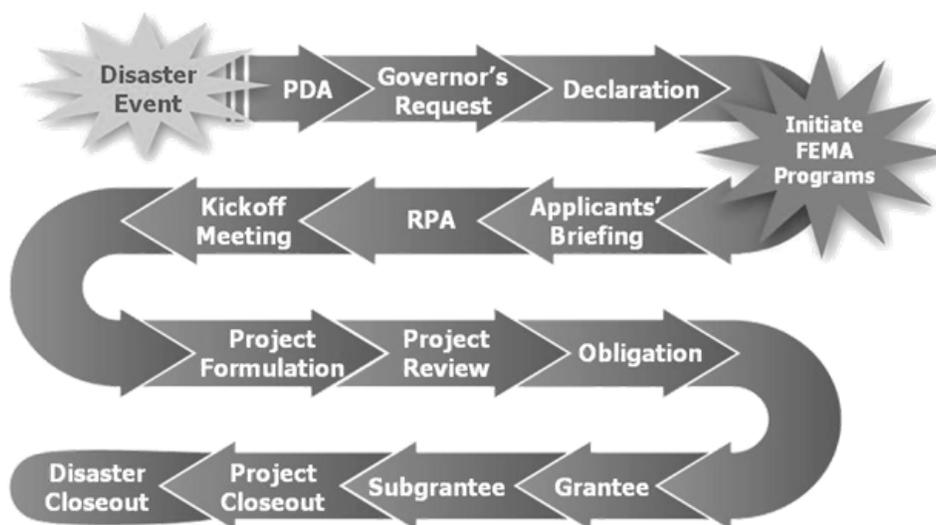


Figure 6: Public Assistance Program Process²³

Step Description:

The requirements for completing each step (in order) of the PA Program process are described below. Some of these descriptions are copied directly from PA Program documentation.

Preliminary Damage Assessment (PDA): A joint assessment used to determine the magnitude and impact of damage following an event. A FEMA/state team will usually visit local applicants and view their damage first-hand to assess the scope and to estimate repair costs. The state uses the results of the PDA to determine if the situation is beyond the combined capabilities of state and local resources and to verify the need for supplemental federal assistance.²⁴

Governor's Request: Following an event, the Governor declares a state of emergency. If it is determined that the damage is beyond the state's recovery capability, the governor will send a formal letter to the President requesting a federal declaration of disaster. The letter is directed through the regional director of the appropriate FEMA region.²⁵

Declaration: The President reviews the Governor's request and declares a major disaster or emergency. After the declaration has been made, FEMA will designate the area eligible for assistance and announce the types of assistance available. FEMA provides supplemental assistance for state and local government recovery expenses. The federal government share will always be at least 75 percent of the eligible costs.²⁶

²³ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Operations Manual, draft*. 2010.

²⁴ "Preliminary Damage Assessment." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_pda.shtm.

²⁵ "Presidential Disaster Declaration." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_declaration.shtm.

²⁶ Ibid.

Applicant's Briefing: A meeting conducted by the state to inform prospective applicants of available assistance and eligibility requirements for obtaining federal assistance under the declared event. The meeting is held as soon as possible following the President's declaration. During the briefing, the state will present the incident period and a description of the declared event. Applicant, work, and cost eligibility will be reviewed and the project formulation process will be introduced. The state will also discuss funding options, record keeping, documentation requirements, and special consideration issues.²⁷

Request for Public Assistance (RPA): The RPA is FEMA's official application form (Form 90-49) that public and private nonprofit organizations use to apply for disaster assistance. Applicants use this form to provide general information to start the grant process and to open the case management file, which contains general claim information as well as records of meetings, conversations, phone messages, and any special issues or concerns that may affect funding.²⁸

Kick-off Meeting: The kick-off meeting is held with each applicant to assess each applicant's needs, discuss disaster related damage, and set forth a plan of action for repair of the applicant's facilities.²⁹

Project Formulation: Project formulation is the process through which facility damage is documented, the eligible scope of work is identified, and the costs associated with that scope of work for each project is estimated. Project formulation allows applicants to administratively consolidate multiple work items into single projects to expedite approval and funding and to facilitate project management.³⁰

Project Review: FEMA confirms the eligibility, compliance, accuracy, and reasonableness of projects formulated by an applicant and ensures that the applicant receives the maximum amount of assistance available under the law. FEMA has developed different methods for reviewing and tracking expenditures for small and large projects; a division based on a project cost threshold is currently set at \$63,200.³¹ Small projects are funded through estimate-based funding while large projects use a final accounting of actual costs.³² For both small and large projects, all aspects of the projects are reviewed, including the sites, estimating methods, and documentation related to the project.³³

²⁷ "Applicants' Briefing by Grantee." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_briefing.shtm.

²⁸ "Submission of Request for Public Assistance by Applicant." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_request.shtm.

²⁹ "Kick-off Meeting with Public Assistance Coordinator (PAC)." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_kickoff.shtm.

³⁰ "Project Formulation and Cost Estimating." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_formulation.shtm.

³¹ "FEMA FY 2010 Large Project Threshold." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/policy.shtm.

³² "Large Projects: Reference Topics." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/re_lgprojects.shtm.

³³ "Project Review and Validation." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_validation.shtm.

Obligation: FEMA notifies the state when the federal funds are available, but the funds reside in a federal account until the state is ready to award grants to the appropriate applicants. The state is responsible for providing the state portion of the non-federal share of the grant amount and for notifying the applicant when funds are available.³⁴

State: Funds are released from FEMA to the state (grantee).³⁵

Applicant: Funds are released from the state to the applicant (subgrantee).³⁶

Project Appeals and Closeout: The appeals process allows applicants to request reconsideration of decisions regarding the provision of assistance. There are two levels of appeal. The first-level appeal is to the regional director in the respective region. The second-level appeal is to the assistant director at FEMA headquarters. The applicant must file an appeal with the state within 60 days of receipt of notice of the action that is being appealed and provide necessary supporting documentation. Closeout certifies that all recovery work has been completed, appeals have been resolved, and all eligible costs have been reimbursed.³⁷

Disaster Closeout: All outstanding recovery grants, including all worksheets for the PA Program, are completed and closed.

³⁴ “Obligation of Federal Funds and Disbursement to Subgrantees.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_disbursement.shtm.

³⁵ Ibid.

³⁶ Ibid.

³⁷ “Appeals and Closeout.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_appeals.shtm.

APPENDIX 2: INVENTORY OF DOCUMENTS REVIEWED

Report Title	Published By	Year
<i>Report of the Stafford Act Reform Task Force</i>	U.S. Conference of Mayors	2010
<i>Public Assistance Applicant Handbook</i>	FEMA	2010
<i>PA Series 9500 Policy Publications</i>	FEMA	2010
<i>Debris Monitors Guide</i>	FEMA	2010
<i>Policy Position – HHS 13. Emergency Management</i>	National Governors Association	2010
<i>Summary of Subject Matter</i>	U.S. House of Representatives	2010
<i>PA Operations Manual (draft)</i>	FEMA	2010
<i>Assessment of FEMA’s Public Assistance Program Policies and Procedures</i>	DHS Office of Inspector General	2009
<i>FEMA’s Disaster Declaration Process: A Primer</i>	Congressional Research Service, LOC	2009
<i>Division of Emergency Management - Annual Report 2009</i>	Florida State Emergency Response Team (SERT)	2009
<i>Gulf Coast Recovery: FEMA's Management of the Hazard Mitigation Component of the Public Assistance Program</i>	OIG	2009
<i>A Scoping Model Methodology for Contents and Equipment</i>	FEMA	2009
<i>Scoping Model Application</i>	FEMA	2009
<i>Facility Assessment Support Teams</i>	FEMA	2009
<i>FEMA Public Assistance Pilot Program Report to Congress</i>	FEMA	2009
<i>FEMA’s Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding</i>	GAO	2008
<i>FEMA Public Assistance Quality Assurance/ Quality Control Plan</i>	FEMA	2008
<i>Public Assistance Policy Digest</i>	FEMA	2008
<i>PA Catastrophic Disaster Recovery Concept Plan (CONPLAN)</i> -Triage Annex -Staffing and Training Annex -Communication and Reporting Annex	FEMA	2008

FEMA Public Assistance Program Analysis

Report Title	Published By	Year
<i>-Damage Assessment Annex</i>		
<i>Public Assistance Guide</i>	FEMA	2007
<i>Debris Management Guide</i>	FEMA	2007
<i>FEMA's Public Assistance Program - Building The Road To Recovery</i>	FEMA – press release	2006
<i>Robert T. Stafford Disaster Relief and Emergency Act</i>	U.S. Congress	2005
<i>Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding</i>	Congressional Research Service, LOC	2005
<i>DRAFT- Grant Application and Processing Under Redesignated PA Programs</i>	FEMA	2004
<i>Public Assistance Redesign Initiative</i>	FEMA	2003
<i>Texas Medical Center Task Force: A novel approach to a healthy recovery</i>	FEMA	2002
<i>Incremental Cost Approach (ICA)</i>	FEMA	2001

Federal Law, Regulations, and Statutes
United States Code; Title 16: Conservation; Title 42: The Public Health and Welfare
Code of Federal Regulations - Title 24: Housing and Urban Development; Title 36: Parks, Forests, and Public Property; Title 40: Protection of the Environment; Title 42: Public Health; Title 44: Emergency Management and Assistance
Federal Register January 12, 1999 (Vol. 64, No. 7)
Earthquake Hazards Reduction Act of 1977
Executive Order 12699- Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction
National Historic Preservation Act of 1966, as amended
National Environmental Policy Act of 1969, as amended
OMB Circular A-87: Cost Principles for State, Local, and Indian Tribal Governments
Pets Evacuation and Transportation Standards Act
Rehabilitation Act of 1973
Robert T. Stafford Disaster Relief and Emergency Assistance Act
American with Disabilities Act of 1990

Grants Circular A-110: Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other non-Profit Organizations

FEMA Doctrine
9500 Series <ul style="list-style-type: none">- Disaster Assistance Policy- Recovery Policy- Response and Recovery Directorate Policy- Environmental Policy Memoranda
FEMA Public Assistance Guide
FEMA PA Program Policy Digest
Standard Operating Procedure- Validation of Small Projects

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APPENDIX 3: PROGRAM REQUIREMENTS, STATUTORY AUTHORITY, AND REGULATIONS

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP-9523.18	Host-State Evacuation and Sheltering Reimbursement	"Stafford Act, Title V"	Emergency Assistance Programs	"FEMA 592, June 2007, p. 51, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP-9523.18	Host-State Evacuation and Sheltering Reimbursement	"Stafford Act, Title IV"	Major Disaster Assistance Programs	"FEMA 592, June 2007, p. 26, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP-9523.18	Host-State Evacuation and Sheltering Reimbursement	"Stafford Act, Title III"	Major Disaster and Emergency Assistance Administration	"FEMA 592, June 2007, p. 10, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 503"	"From the Homeland Security Act of 2002; Establishes the Federal Emergency Management Agency, sets its mission, defines the responsibilities of the FEMA administrator, and gives the President the authority to give the Administrator cabinet status"	"FEMA 592, June 2007, p. 94-96, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.2	Eligibility of Building Safety Inspections Supporting Emergency Work	"Stafford Act, Section 502 (42 U.S.C. 5192)"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"Findlaw.com, accessed 9/9/2010, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5192 "
DAP9523.17	Emergency Assistance for Human Influenza Pandemic	"Stafford Act, Section 502 (42 U.S.C. 5192)"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"Findlaw.com, accessed 9/9/2010, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5192 "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	"Stafford Act, Section 502 "	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.4	"Emergency medical care and medical evacuation expenses that are eligible for reimbursement under the Category B, Emergency Protective Measures"	"Stafford Act, Section 502 "	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.13	Debris Removal from Private Property	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.15	Eligible Costs Related to Evacuations and Sheltering	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.1	Post-Disaster Property Tax Reassessment	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP 9525.2	"Eligibility for credit for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work"	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	"Stafford Act, Section 502"	Federal emergency assistance - Presidential powers and responsibilities through federal agencies	"FEMA 592, June 2007, p. 52-53, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 420"	"Fire management assistance - (a) In General - The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. (b) Coordination with State and Tribal Departments of Forestry. (c.) Essential assistance. (d) Rules and regulations. "	"FEMA 592, June 2007, p. 48, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	"Stafford Act, Section 420"	"Fire management assistance - (a) In General - The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. (b) Coordination with State and Tribal Departments of Forestry. (c.) Essential assistance. (d) Rules and regulations. "	"FEMA 592, June 2007, p. 48, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	"Stafford Act, Section 420"	"Fire management assistance - (a) In General - The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. (b) Coordination with State and Tribal Departments of Forestry. (c.) Essential assistance. (d) Rules and regulations. "	"FEMA 592, June 2007, p. 48, http://www.fema.gov/pdf/about/stafford_act.pdf "
9550.3	"Clarify and broaden the Federal Emergency Management Agency's (FEMA's) policy on the eligibility of staged resources, mutual aid agreements, declaration delegation, timing of the declaration process, and emergency operations center costs"	"Stafford Act, Section 420"	"Fire management assistance - (a) In General - The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. (b) Coordination with State and Tribal Departments of Forestry. (c.) Essential assistance. (d) Rules and regulations. "	"FEMA 592, June 2007, p. 48, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.11	Hazardous Stump Extraction and Removal Eligibility	"Stafford Act, Section 407 "	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.13	Debris Removal from Private Property	"Stafford Act, Section 407 "	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9523.9	100% Funding for Direct Federal Assistance and Grant Assistance	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9523.12	Debris Operations – Hand-Loaded Trucks and Trailers	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	"Stafford Act, Section 407"	"Debris removal - (a) Presidential authority, whenever he determines it to be in the public interest is authorized to use executive agencies to clear debris and wreckage from a major disaster from publicly and privately owned lands and waters and make grants to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage."	"FEMA 592, June 2007, p. 39-40, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.13	Provides guidance on allowable uses and limitations of alternate project funds when restoration of the original damaged facility is not in the best interest of the public	"Stafford Act, Section 406(f)"	"Repair, Restoration, and Replacement of Damaged Facilities - Large In-Lieu Contributions for public facilities and private nonprofit facilities"	"FEMA 592, June 2007, p. 33-34, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9526.1	Provide guidance on the appropriate use of hazard mitigation discretionary funding available under Stafford Act	"Stafford Act, Section 406(e)"	"Repair, Restoration, and Replacement of Damaged Facilities - net eligible costs "	"FEMA 592, June 2007, p. 35-37, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9527.4	Provides guidance for determining eligible work based on State and local construction codes and standards as they apply to the repair and restoration of damaged facilities	"Stafford Act, Section 406(e)"	"Repair, Restoration, and Replacement of Damaged Facilities - net eligible costs "	"FEMA 592, June 2007, p. 35-37, http://www.fema.gov/pdf/about/stafford_act.pdf "
9530.1	Policy reiterates FEMA policy on the application of flood insurance reductions for underinsured or uninsured properties located in a Special Flood Hazard Area (SFHA) at the time of a disaster when a LOMA or LOMR is requested and obtained after the declaration date	"Stafford Act, Section 406(d)"	"Repair, Restoration, and Replacement of Damaged Facilities - Flood insurance"	"FEMA 592, June 2007, p. 34-35, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9524.1	Eligible costs related to welded steel moment frame	"Stafford Act, Section 406(c.)"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 406 "	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9521.5	Eligibility of Charter Schools	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9524.5	"Trees, Shrubs, and Other Plantings Associated with Facilities"	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9524.8	Eligibility for Permanent Repair and Replacement of Roads on Tribal Lands	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9524.9	Replacement of Animals Associated with Eligible Facilities	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.1	Post-Disaster Property Tax Reassessment	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
9525.6	Provides guidance in determining the eligibility of project supervision and management activities of subgrantees.	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
9525.11	Provide guidance on the eligibility of costs when a Grantee or subgrantee employs contractors to manage the PA Program in place of Grantee or subgrantee employees	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9525.16	Establish the research-related equipment and furnishings associated with disaster-damaged PNP or public facilities that are eligible for reimbursement under the PA Program	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9527.1	"Provides guidance for determining the seismic requirements established in the Earthquake Hazards Reduction Act of 1977, the Stafford Act and E.O. 12699 that affect PA Program funding eligibility for new building construction"	"Stafford Act, Section 406"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.4	Demolition of Private Structures	"Stafford Act, Section 406"	"Essential assistance (a) In general - federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster (3) work and services to save lives and protect property - performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety including (E) demolition of unsafe structures which endanger the public."	"FEMA 592, June 2007, p. 27, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.13	Debris Removal from Private Property	"Stafford Act, Section 406"	"Essential assistance (a) In general - federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster (3) work and services to save lives and protect property - performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety including (A) debris removal"	"FEMA 592, June 2007, p. 27, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP 9525.2	"Eligibility for credit for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work"	"Stafford Act, Section 403(a)(3)(E) "	"Essential assistance (a) In general - federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster"	"FEMA 592, June 2007, p. 27, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.2	Eligibility of Building Safety Inspections Supporting Emergency Work	"Stafford Act, Section 403(a)(3)(A)"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.17	Emergency Assistance for Human Influenza Pandemic	"Stafford Act, Section 403(a) "	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9523.12	Debris Operations – Hand-Loaded Trucks and Trailers	"Stafford Act, Section 403 (42 U.S.C. 5170b) "	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, Section 403 (42 U.S.C. 5121-5206) "	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	"Stafford Act, Section 403 "	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.7	Public Housing Authorities (PHAs)	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.8	Mission Assignments for ESF #10 between FEMA and EPA	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9523.9	100% Funding for Direct Federal Assistance and Grant Assistance	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9523.10	Eligibility of Vector Control (Mosquito Abatement)	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.11	Hazardous Stump Extraction and Removal Eligibility	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9523.15	Eligible Costs Related to Evacuations and Sheltering	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.1	Post-Disaster Property Tax Reassessment	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.4	"Emergency medical care and medical evacuation expenses that are eligible for reimbursement under the Category B, Emergency Protective Measures"	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	"Stafford Act, Section 403"	"Essential assistance - (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster. (b) Contributions made to state and local governments. (c.) Utilization of DOD resources. "	"FEMA 592, June 2007, p. 27-29, http://www.fema.gov/pdf/about/stafford_act.pdf "
Response and Recovery Directorate Policy No. 9510.1	"Coordination Requirements for Public Assistance and Fire Management Assistance Program Documentation"	"Stafford Act, Section 403"	"Public Notice, Comment, and Consultation Requirements - (a) Public Notice and Comment Concerning New or Modified Policies (b) Consultation Concerning Interim Policies (c) Public Access"	"FEMA 592, June 2007, p. 24-25, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	"Stafford Act, Section 403"	"Management Costs - definition, establishment, and review"	"FEMA 592, June 2007, p. 24, http://www.fema.gov/pdf/about/stafford_act.pdf "
9560.1	Policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the PA Program	"Stafford Act, Section 325"	"Protection of Environment - An action which is taken or assistance which is provided pursuant to section 5170a , 5170b, 5172, 5173, or 5192 of this title, including such assistance provided pursuant to the procedures provided for in section 5189 of this title , which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §4321 et seq.]."	"FEMA 592, June 2007, p. 20, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9525.14	Describe the appropriate use of the state statutory administrative allowance authorized in Stafford Act	"Stafford Act, Section 324"	"Performance of Services - Associated Expenses – For purposes of this section, associated expenses include the following necessary costs, Extraordinary Costs, Costs of National Guard, Costs of Prison Labor, and Other Labor Costs"	"FEMA 592, June 2007, p. 38-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	"Stafford Act, Section 316"	Definitions used in Act	"FEMA 592, June 2007, p. 2-3, http://www.fema.gov/pdf/about/stafford_act.pdf "
RP9521.5	Eligibility of Charter Schools	"Stafford Act, Section 316"	Definitions used in Act	"FEMA 592, June 2007, p. 2-3, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 316"	Definitions used in Act	"FEMA 592, June 2007, p. 2-3, http://www.fema.gov/pdf/about/stafford_act.pdf "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, Section 316"	Definitions used in Act	"FEMA 592, June 2007, p. 2-3, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.2	Private Nonprofit Museum Eligibility	"Stafford Act, Section 203, Pre-disaster Hazard Mitigation (42 U.S.C. 5133)"	Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended	"FEMA 592, June 2007, http://www.fema.gov/pdf/about/stafford_act.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
9640; 9525.15	"Establish policy regarding FEMA's financial support for States administering the Individual and Family Grant (IFG) Program, Infrastructure Support (IS) and Mitigation (MT) Programs in the area of telecommunications equipment such as T-1 LAN/WAN connections"	"Stafford Act, Section 102"	Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended	"FEMA 592, June 2007, http://www.fema.gov/pdf/about/stafford_act.pdf "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	"Stafford Act, Section 102"	"Repair, Restoration, and Replacement of Damaged Facilities - contributions, minimum federal share, large in-lieu contributions, flood insurance, net eligible cost, and associated expenses"	"FEMA 592, June 2007, p. 31-39, http://www.fema.gov/pdf/about/stafford_act.pdf "
9525.5	Provides guidance in determining the eligibility of costs for federally required ADA access compliance associated with PA program grants	"Stafford Act, Section 102"	Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended	"FEMA 592, June 2007, http://www.fema.gov/pdf/about/stafford_act.pdf "
9525.5	Provides guidance in determining the eligibility of costs for federally required ADA access compliance associated with PA program grants	"Stafford Act, Section 102"	"prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in title I of the Americans with Disabilities Act."	"Public Law 93-112 93rd Congress, H. R. 8070 September 26, 1973, http://www.dotcr.ost.dot.gov/documents/ycr/REHABACT.HTM "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	"Stafford Act, P.L. 93-288"	Providing essential assistance to individuals with household pets and service animals following a disaster	"2006, Citation 120 STAT. 1725, http://www.animallaw.info/statutes/stusfd2006pl109_308.htm "
9524.3	Policy for Rehabilitation Assistance for Levees and Other Flood Control Works	"Stafford Act, P.L. 93-288"	Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended	"FEMA 592, June 2007, http://www.fema.gov/pdf/about/stafford_act.pdf "
9640; 9525.15	"Establish policy regarding FEMA's financial support for States administering the Individual and Family Grant (IFG) Program, Infrastructure Support (IS) and Mitigation (MT) Programs in the area of telecommunications equipment such as T-1 LAN/WAN connections"	"Stafford Act, P.L. 93-288"	"This Circular establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments and federally-recognized Indian tribal governments (governmental units). Authority - This Circular is issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; the Chief Financial Officers Act of 1990; Reorganization Plan No. 2 of 1970; and Executive Order No. 11541 ("Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President")."	"Office of Management and Budget, A-87, revised 05/10/04."
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	"Stafford Act, P.L. 93-288"	"SUMMARY: This final policy statement has been developed to guide FEMA's interactions with American Indian and Alaska Native Tribal governments in response to a policy memorandum issued by the President on April 29, 1994. President Clinton's memorandum directed agency and department heads to ensure that the Federal Government operates within a government-to-government relationship with Federally recognized Tribal governments. This policy reflects the extensive and insightful comments received over the last twelve months. The comments received and the Agency's response to those comments are contained within an accompanying notice detailing statements of consideration. "	"Federal Register: January 12, 1999 (Vol. 64, No. 7)Policy statement, 2095-2097 [FR Doc. 99-642], http://www.access.gpo.gov/su_docs/fedreg/a990112c.html "
DAP9524.8	Eligibility for Permanent Repair and Replacement of Roads on Tribal Lands	Rehabilitation Act of 1973	"SUMMARY: This final policy statement has been developed to guide FEMA's interactions with American Indian and Alaska Native Tribal governments in response to a policy memorandum issued by the President on April 29, 1994. President Clinton's memorandum directed agency and department heads to ensure that the Federal Government operates within a government-to-government relationship with Federally recognized Tribal governments. This policy reflects the extensive and insightful comments received over the last twelve months. The comments received and the Agency's response to those comments are contained within an accompanying notice detailing statements of consideration. "	"Federal Register: January 12, 1999 (Vol. 64, No. 7)Policy statement, 2095-2097 [FR Doc. 99-642], http://www.access.gpo.gov/su_docs/fedreg/a990112c.html "
DAP9527.1	"Provides guidance for determining the seismic requirements established in the Earthquake Hazards Reduction Act of 1977, the Stafford Act and E.O. 12699 that affect PA Program funding eligibility for new building construction"	"PETS Act P.L. No. 109?308, § 4, 120 Stat. 1725 (2006)"	"One of Two Presidential executive orders requiring appropriate seismic safety measures for federal buildings (Other is EO 12941). Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction - Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), which requires that Federal preparedness and mitigation activities for reducing earthquake hazards. Sec. 1 - Requirements for Earthquake Safety of New Federal Buildings. Sec. 2 - Federally Leased, Assisted, or Regulated Buildings. Sec. 3 - Concurrent Requirements. Sec. 4 - FEMA Responsibilities. Sec. 5 - Reporting. Sec. 6 - Judicial Review."	"Bush, George H.W., Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, U.S. White House, January 5, 1990, http://www.wbdg.org/ccb/FED/FMEO/eo12699.pdf "

FEMA Public Assistance Program Analysis

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DAP9527.1	"Provides guidance for determining the seismic requirements established in the Earthquake Hazards Reduction Act of 1977, the Stafford Act and E.O. 12699 that affect PA Program funding eligibility for new building construction"	OMB Circular A-87	"It is the purpose of the Congress in this chapter to reduce the risks of life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program. The objectives of such program shall include (1) the education of the public, (2) the development of technologically and economically feasible buildings that are earthquake resistant, (3) the implementation practical system for identifying, evaluating, and accurately characterizing seismic hazards, (4) development and promotion of new building codes, (5) development of new risk mitigation plans, (6) new ways of incorporating existing scientific and engineering knowledge to mitigate earthquake hazards, and (7) development of more affordable earthquake insurance."	"U.S.C. Title 42, The Public Health and Welfare, Ch. 86 Earthquake Hazards Reduction, http://www.usbr.gov/ssle/seismics/afety/42usc.htm "
9525.5	Provides guidance in determining the eligibility of costs for federally required ADA access compliance associated with PA program grants	"National Historic Preservation Act of 1966, As amended through 2006, Section 106"	"The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. Disability is defined by the ADA as ""a physical or mental impairment that substantially limits a major life activity."" The determination of whether any particular condition is considered a disability is made on a case by case basis. Certain specific conditions are excluded as disabilities, such as current substance abuse and visual impairment which is correctable by prescription lenses."	"Americans with Disabilities Act of 1990, http://www.ada.gov/pubs/adastatute08.pdf "
DAP9525.4	"Emergency medical care and medical evacuation expenses that are eligible for reimbursement under the Category B, Emergency Protective Measures"	"National Environmental Policy Act of 1969, as amended "	"Emergency Work - (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible. (2) the Regional Director may require certification by local State, and/or Federal officials that a threat exists (3) Emergency access, Emergency communications, and Emergency public transportation"	"44 of CFR § 206.225, December 2005, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
DAP9525.12	"Provides guidance on disposition of equipment and supplies purchased and certain materials salvaged, by Grantees and subgrantees"	"Federal Register: January 12, 1999 (Vol. 64, No. 7)"	(a) General. The Federal agency will close out the award when it determines that all applicable administrative actions and all required work of the grant has been completed. (b) Reports. (c.) Cost adjustment. (d) Cash adjustments.	"44 of CFR Subpart D, Personal claims regulations, December 2005, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
RR Policy Number 9523.1	Snow assistance	"Federal Register: January 12, 1999 (Vol. 64, No. 7)"	"Snow assistance - Emergency or major disaster declarations based on snow or blizzard conditions will be made only for cases of record or near record snowstorms, as established by official government records. Federal assistance will be provided for all costs eligible under 44 CFR 206.225 for a specified period of time which will be determined by the circumstances of the event."	"44 CFR Section 206.227, http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr206.228.pdf "
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	Executive Order 12699	"Multifamily Housing Mortgage Insurance - Eligibility requirements, definitions, premiums, rights and duties of mortgagee under the contract of insurance, rights in housing fund, and amendments."	"24 C.F.R. PART 207— MULTIFAMILY HOUSING MORTGAGE INSURANCE, http://law.justia.com/us/cfr/title24/24-2.1.1.2.7.html "
9550.3	"Clarify and broaden the Federal Emergency Management Agency's (FEMA's) policy on the eligibility of staged resources, mutual aid agreements, declaration delegation, timing of the declaration process, and emergency operations center costs"	"Earthquake Hazards Reduction Act of 1977, P.L. 95?124"	"Fire suppression assistance - .390 General; .391 FEMA-State Agreement, .392 Request for assistance, .393 Providing assistance, .394 Cost eligibility, .395 grant administration."	"44 CFR Part 206.390-395, Subpart L, Fire suppression assistance, http://cfr.vlex.com/source/code-federal-regulations-emergency-management-assistance-1093/page/28 "
DAP-9523.18	Host-State Evacuation and Sheltering Reimbursement	Americans with Disabilities Act of 1990	"Part 206: Federal disaster assistance for disasters declared on or after November 23, 1988, Subpart B: The declaration process; Subpart G: Public assistance project administration; and Subpart H: Public assistance eligibility."	"Subpart B, http://cfr.vlex.com/source/code-federal-regulations-emergency-management-assistance-1093/page/25 ; Subpart G, http://cfr.vlex.com/source/code-federal-regulations-emergency-management-assistance-1093/page/26 ; Subpart H, http://cfr.vlex.com/source/code-federal-regulations-emergency-management-assistance-1093/page/26 "

FEMA Public Assistance Program Analysis

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DAP9523.15	Eligible Costs Related to Evacuations and Sheltering	44 of CFR § 206.225	"Part 206: Federal disaster assistance for disasters declared on or after November 23, 1988. (a) Purpose. The purpose of this subpart is to prescribe the policies and procedures to be followed in implementing those sections of Public Law 93288, as amended, delegated to the Director, Federal Emergency Management Agency (FEMA). The rules in this subpart apply to major disasters and emergencies declared by the President on or after November 23, 1988, the date of enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq."	"44 CFR 206.1 - Purpose, http://cfr.vlex.com/vid/206-1-purpose-19833335 "
RP9524.2	Eligible costs for landslide and slope failure	"44 CFR, Subpart D - After-the-Grant Requirements"	"Part 206: Federal disaster assistance for disasters declared on or after November 23, 1988. (a) Purpose. The purpose of this subpart is to prescribe the policies and procedures to be followed in implementing those sections of Public Law 93288, as amended, delegated to the Director, Federal Emergency Management Agency (FEMA). The rules in this subpart apply to major disasters and emergencies declared by the President on or after November 23, 1988, the date of enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq."	"44 CFR 206.1 - Purpose, http://cfr.vlex.com/vid/206-1-purpose-19833335 "
RP9525.14	Describe the appropriate use of the state statutory administrative allowance authorized in Stafford Act	44 CFR Section 206.227	SUBPART D WAS NOT FOUND.	
DAP9525.12	"Provides guidance on disposition of equipment and supplies purchased and certain materials salvaged, by Grantees and subgrantees"	44 CFR Part 207	SUBPART C WAS NOT FOUND.	
RP9525.14	Describe the appropriate use of the state statutory administrative allowance authorized in Stafford Act	44 CFR Part 206.390-395	SUBPART C WAS NOT FOUND.	
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	"44 CFR Part 206, Subparts B, G and H"	"Uniform administrative requirements for grants and cooperative agreements to state and local governments. This part establishes uniform administrative rules for Federal grants and cooperative agreements and sub-awards to State, local and Indian tribal governments."	"44 CFR Part 13, 13.1 Purpose and scope, http://cfr.vlex.com/vid/13-1-purpose-and-scope-this-part-19833867 "
9640; 9525.15	"Establish policy regarding FEMA's financial support for States administering the Individual and Family Grant (IFG) Program, Infrastructure Support (IS) and Mitigation (MT) Programs in the area of telecommunications equipment such as T-1 LAN/WAN connections"	44 CFR Part 206	"Uniform administrative requirements for grants and cooperative agreements to state and local governments. This part establishes uniform administrative rules for Federal grants and cooperative agreements and sub-awards to State, local and Indian tribal governments."	"44 CFR Part 13, 13.1 Purpose and scope, http://cfr.vlex.com/vid/13-1-purpose-and-scope-this-part-19833867 "
9560.1	Policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the PA Program	44 CFR Part 206	"Environmental considerations - This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977)."	"44 CFR Part 10, Background and purpose, http://edocket.access.gpo.gov/cfr/_2003/octqtr/pdf/44cfr10.1.pdf "
9530.1	Policy reiterates FEMA policy on the application of flood insurance reductions for underinsured or uninsured properties located in a Special Flood Hazard Area (SFHA) at the time of a disaster when a LOMA or LOMR is requested and obtained after the declaration date	"44 CFR Part 13, Subpart D"	"Insurance requirements for facilities damaged by flood - (a) Where an insurable building damaged by flooding is located in a special flood hazard area identified for more than one year by the Director, assistance pursuant to section 406 of the Stafford Act shall be reduced. The amount of the reduction shall be the maximum amount of the insurance proceeds which would have been received had the building and its contents been fully covered by a standard flood insurance policy. "	"44 CFR 206.252, Insurance requirements for facilities damaged by flood, http://cfr.vlex.com/vid/206-252-insurance-facilities-damaged-flood-19833809 "
9525.8	Provide guidance in determining the eligibility of damage and extraordinary maintenance to applicant-owned equipment performing emergency work under severe conditions	"44 CFR Part 13, Subpart C"	"(a) Eligible direct costs—(1) Applicant-owned equipment. Reimbursement for ownership and operation costs of applicant-owned equipment used to perform eligible work shall be provided in accordance with the following guidelines: (i) Rates established under State guidelines. rates that have been established or approved under State guidelines, in its normal daily operations, reimbursement for applicant-owned equipment which has an hourly rate of \$75 or less. Reimbursement for equipment exceeding \$75 shall be determined on a case by case basis by FEMA. (ii) Rates established under local guidelines. Where local guidelines are used to establish equipment rates, reimbursement will be based on those rates or rates in a Schedule of Equipment Rates published by FEMA, whichever is lower. (iii) No established rates. The FEMA Schedule of Equipment Rates will be the basis for reimbursement in all cases where an applicant does not have established equipment rates."	"44 CFR 206.228(a)(1)(i-iii), Eligible direct costs, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.9.html "
9524.4	Eligibility of Facilities for Replacement	"44 CFR Part 13, Subpart C"	"Restoration of damaged facilities - Standards. For the costs of Federal, State, and local repair or replacement standards which change the pre-disaster construction of facility to be eligible, the standards must: (1) Apply to the type of repair or restoration required (Standards may be different for new construction and repair work)"	"44 CFR 206.226(d)(1), Restoration of damaged facilities, Standards, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9525.3	Clarifies duplication of benefit issues related to grants and cash donations from non-Federal third parties for emergency and permanent work under the Public Assistance Program	44 CFR Part 13	"Restoration of damaged facilities - Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster."	"44 CFR 206.226(a), Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9523.4	Demolition of Private Structures	44 CFR Part 13	"Restoration of damaged facilities - Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster."	"44 CFR 206.226, Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9523.4	Demolition of Private Structures	"44 CFR Part 10, Environmental Considerations"	"Emergency work - (a) General. (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible."	"44 CFR 206.225, Emergency work, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
DAP9523.13	Debris Removal from Private Property	44 CFR Part 10 - Environmental Considerations	"Debris removal. (a) Public interest. Upon determination that debris removal is in the public interest, Regional Administrator may provide assistance for the removal of debris and wreckage from publicly and privately owned lands and waters. Such removal is in the public interest when it is necessary to: (1) Eliminate immediate threats to life, public health, and safety; or (2) Eliminate immediate threats of significant damage to improved public or private property; or (3) Ensure economic recovery of the affected community to the benefit of the community-at-large; or (4) Mitigate the risk to life and property by removing substantially damaged structures. Such removal must be completed within two years of the declaration date, unless the Assistant Administrator for the Disaster Assistance Directorate extends this period."	"44 CFR 206.224, Debris removal, http://edocket.access.gpo.gov/cfr/_2009/octqtr/pdf/44cfr206.224.pdf "
DAP9525.3	Clarifies duplication of benefit issues related to grants and cash donations from non-Federal third parties for emergency and permanent work under the Public Assistance Program	44 CFR Part 10 - Environmental Considerations	"Duplication and recovery of assistance. (a) Duplication of benefits. We provide supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by or available to the applicant from insurance, other assistance programs, legal awards, or any other source to address the same purpose. An applicant must notify us of all benefits that it receives or anticipates from other sources for the same purpose, and must seek all such benefits available to them. We will reduce the grant by the amounts available for the same purpose from another source. We may provide assistance under this Part when other benefits are available to an applicant, but the applicant will be liable to us for any duplicative amounts that it receives or has available to it from other sources, and must repay us for such amounts. "	"44 CFR 204.62(a), Duplication and recovery of assistance, http://law.justia.com/us/cfr/title44/44-1.0.1.4.55.5.27.2.html "
9525.11	Provide guidance on the eligibility of costs when a Grantee or subgrantee employs contractors to manage the PA Program in place of Grantee or subgrantee employees	44 CFR Part 10	"Uniform administrative requirements for grants and cooperative agreements to state and local governments - Procurement (a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section."	"44 CFR 13.36, Uniform administrative requirements for grants and cooperative agreements to state and local governments -Procurement, http://cfr.vlex.com/vid/13-36-procurement-19833982 "
DAP9525.3	Clarifies duplication of benefit issues related to grants and cash donations from non-Federal third parties for emergency and permanent work under the Public Assistance Program	44 CFR Part 10	"Uniform administrative requirements for grants and cooperative agreements to state and local governments - Matching or cost sharing. (a) Basic rule: Costs and contributions acceptable. With the qualifications and exceptions listed in paragraph (b) of this section, a matching or cost sharing requirement may be satisfied by either or both of the following: (1) Allowable costs incurred by the grantee, subgrantee or a cost-type contractor under the assistance agreement. This includes allowable costs borne by non-Federal grants or by others cash donations from non-Federal third parties."	"44 CFR 13.24, Uniform administrative requirements for grants and cooperative agreements to state and local governments - Matching or cost sharing, http://cfr.vlex.com/vid/13-24-matching-cost-sharing-19833930 "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	44 CFR 206.252	"Federal disaster assistance for disasters declared on or after November 23, 1988 - FEMA - State Agreements. (a) General. Upon the declaration of a major disaster or an emergency, the Governor and the FEMA Regional Director shall execute a FEMA-State Agreement, states the understandings, commitments, and conditions for assistance under which FEMA disaster assistance shall be provided. This Agreement imposes binding obligations on FEMA, States, their local governments, and NGOs within the States in the form of conditions for assistance which are legally enforceable. No FEMA funding will be authorized or provided to any grantees or other recipients, nor will direct Federal assistance be authorized by mission assignment, until such time as this Agreement for the Presidential declaration has been signed begin the process of providing essential emergency services or housing assistance under the Individuals and Households Program."	"44 CFR §206.44, Federal disaster assistance for disasters declared on or after November 23, 1988 - FEMA - State Agreements, http://cfr.vlex.com/vid/206-44-fema-state-agreements-19833514 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	44 CFR 206.228(a)(1)	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Allowable costs. (a) Eligible direct costs—(1) Applicant-owned equipment. Reimbursement for ownership and operation costs of applicant-owned equipment used to perform eligible work shall be provided in accordance with the following guidelines: (i) Rates established under State guidelines. (ii) Rates established under local guidelines. (iii) No established rates. (2) Statutory Administrative Costs —(i) Grantee. (ii) Subgrantee. "	"44 CFR §206.228, Federal disaster assistance for disasters declared on or after November 23, 1988 - Allowable cost, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.9.html "
RP9525.14	Describe the appropriate use of the state statutory administrative allowance authorized in Stafford Act	44 CFR 206.226(d)(1)	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Allowable costs. (a) Eligible direct costs—(1) Applicant-owned equipment. Reimbursement for ownership and operation costs of applicant-owned equipment used to perform eligible work shall be provided in accordance with the following guidelines: (i) Rates established under State guidelines. (ii) Rates established under local guidelines. (iii) No established rates. (2) Statutory Administrative Costs —(i) Grantee. (ii) Subgrantee. "	"44 CFR §206.228, Federal disaster assistance for disasters declared on or after November 23, 1988 - Allowable cost, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.9.html "
DAP9527.4	Provides guidance for determining eligible work based on State and local construction codes and standards as they apply to the repair and restoration of damaged facilities	44 CFR 206.226(a)	"Restoration of damaged facilities. (d) Standards. For the costs of Federal, State, and local repair or replacement standards which change the pre-disaster construction of facility to be eligible, the standards must: (1) Apply to the type of repair or restoration required; (2) Be appropriate to the pre-disaster use of the facility; (3)(i) Be found reasonable, in writing, and formally adopted and implemented by the State or local government on or before the disaster declaration date or be a legal Federal requirement applicable to the type of restoration. (ii) This paragraph (b) applies to local governments on January 1, 1999 and to States on January 1, 2000. Until the respective applicability dates, the standards must be in writing and formally adopted by the applicant prior to project approval or be a legal Federal or State requirement applicable to the type of restoration. (4) Apply uniformly to all similar types of facilities within the jurisdiction of owner of the facility; and (5) For any standard in effect at the time of a disaster, it must have been enforced during the time it was in effect."	"44 CFR §206.226(d), Restoration of damaged facilities - Standards, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9524.8	Eligibility for Permanent Repair and Replacement of Roads on Tribal Lands	44 CFR 206.226	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster. "	"44 CFR §206.226, Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9525.13	Provides guidance on allowable uses and limitations of alternate project funds when restoration of the original damaged facility is not in the best interest of the public	44 CFR 206.225	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster. "	"44 CFR §206.226, Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9525.16	Establish the research-related equipment and furnishings associated with disaster-damaged PNP or public facilities that are eligible for reimbursement under the PA Program	44 CFR 206.224	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster. "	"44 CFR §206.226, Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9526.1	Provide guidance on the appropriate use of hazard mitigation discretionary funding available under Stafford Act	44 CFR 204.62(a)	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster. "	"44 CFR §206.226, Restoration of damaged facilities, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
RP9523.10	Eligibility of Vector Control (Mosquito Abatement)	44 CFR 13.36	"Emergency work. (3) In order to be eligible, emergency protective measures must: (i) Eliminate or lessen immediate threats to life, public health or safety."	"44 CFR §206.225(a)(3)(i), Emergency work, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
DAP9523.17	Emergency Assistance for Human Influenza Pandemic	44 CFR 13.24	"Emergency work. (3) In order to be eligible, emergency protective measures must: (i) Eliminate or lessen immediate threats to life, public health or safety."	"44 CFR §206.225(a)(3)(i), Emergency work, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	44 CFR §206.44	"Emergency work. (a) General. (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible."	"44 CFR §206.225, Emergency work, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	44 CFR §206.228	"Debris removal. (a) Public interest. Upon determination that debris removal is in the public interest, Regional Administrator may provide assistance for the removal of debris and wreckage from publicly and privately owned lands and waters. Such removal is in the public interest when it is necessary to: (1) Eliminate immediate threats to life, public health, and safety; or (2) Eliminate immediate threats of significant damage to improved public or private property; or (3) Ensure economic recovery of the affected community to the benefit of the community-at-large; or (4) Mitigate the risk to life and property by removing substantially damaged structures. Such removal must be completed within two years of the declaration date, unless the Assistant Administrator for the Disaster Assistance Directorate extends this period."	"44 CFR §206.224, Debris removal, http://edocket.access.gpo.gov/cfr_2009/octqtr/pdf/44cfr206.224.pdf "
DAP9524.8	Eligibility for Permanent Repair and Replacement of Roads on Tribal Lands	44 CFR §206.228	"Federal disaster assistance for disasters declared on or after November 23, 1988 - General work eligibility. (a) General. To be eligible for financial assistance, an item of work must: (1) Be required as the result of the major disaster event, (2) Be located within a designated disaster area, and (3) Be the legal responsibility of an eligible applicant."	"44 CFR §206.223, General work eligibility, http://cfr.vlex.com/vid/206-223-general-work-eligibility-19833778 "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	44 CFR §206.226(d)	"A Federal disaster assistance for disasters declared on or after November 23, 1988 - applicant eligibility. The following entities are eligible to apply for assistance under the State public assistance grant: (a) State and local governments. (b) Private non-profit organizations or institutions which own or operate a private nonprofit facility as defined in § 205.221(e). (c) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska Native Corporations, the ownership of which is vested in private individuals. "	"44 CFR §206.222, Applicant eligibility, http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr206.223.pdf "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	44 CFR §206.226	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Definitions: (e) Private nonprofit facility (1) Educational facilities (2) Utility (3) Irrigation facility (4) Emergency facility (5) Medical facility (6) Custodial care facility (7) Other essential governmental service facility."	"44 CFR §206.221(e)(1)-(7), Definitions, http://cfr.vlex.com/vid/206-221-definitions-19833767 "
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	44 CFR §206.226	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Administrative and audit requirements. (a) General. Uniform administrative requirements which are set forth in 44 CFR part 13 apply to all disaster assistance grants and subgrants."	"44 CFR §206.207, Administrative and audit requirements, http://cfr.vlex.com/vid/206-207-administrative-audit-requirements-19833749 "
DAP9525.13	Provides guidance on allowable uses and limitations of alternate project funds when restoration of the original damaged facility is not in the best interest of the public	44 CFR §206.226	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Project performance. (a) General. This section describes the policies and procedures applicable during the performance of eligible work."	"44 CFR §206.204, Project performance, http://edocket.access.gpo.gov/cfr_2005/octqtr/pdf/44cfr206.204.pdf "
DAP9525.13	Provides guidance on allowable uses and limitations of alternate project funds when restoration of the original damaged facility is not in the best interest of the public	44 CFR §206.226	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Federal grant assistance. (d) Funding options—(1) Improved projects. If a subgrantee desires to make improvements, but still restore the pre-disaster function of a damaged facility, the Grantee's approval must be obtained. Federal funding for such improved projects shall be limited to the Federal share of the approved estimate of eligible costs."	"44 CFR §206.203(d), Federal grant assistance, http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr206.203.pdf "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	44 CFR §206.225(a)(3)(i)	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Application procedures. (f) Exceptions. The following are exceptions to the procedures and time limitations outlined in paragraphs (c), (d), and (e) of this section. (1) Grant applications. An Indian tribe or authorized tribal organization may submit a SF 424 directly to the RD when the Act authorizes assistance and a State is legally unable to assume the responsibilities that these regulations prescribe."	"44 CFR §206.202(f)(1), Application procedures, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.7.27.3.html "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	44 CFR §206.225(a)(3)(i)	"Federal Disaster Assistance - Purpose. (a) Purpose. To prescribe the policies and procedures to be followed in implementing those sections of Public Law 93–288, as amended, delegated to the Administrator, Federal Emergency Management Agency (FEMA). The rules in this subpart apply to major disasters and emergencies declared by the President on or after November 23, 1988, the date of enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. "	"44 CFR §206, Federal Disaster Assistance - Purpose, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=ea0b3faf4e81f5a8194b7a23c4576961&rgn=div8&view=text&node=44:1.0.1.4.57.1.18.1&idno=44 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
RP9525.7	"Provide guidance on the eligibility of labor costs for an applicant's permanent, temporary, and contract employees who perform emergency work under Stafford Act"	44 CFR §206.225	Fire management assistance grant program - Eligible cost. (a) General. (1) All eligible work and related costs must be associated with the incident period of a declared fire.	"44 CFR §204.42, Fire management assistance grant program - Eligible cost, http://cfr.vlex.com/vid/204-42-eligible-costs-19833263 "
DAP9524.9	Replacement of Animals Associated with Eligible Facilities	44 CFR §206.224	"Uniform administrative requirements for grants and cooperative agreements to state and local governments - definitions. Accrued expenditures, Accrued income, Acquisition cost of an item of purchased equipment, Administrative requirements, Awarding agency, Cash contributions, Contract means, Cost sharing, Cost-type contract, Equipment, Expenditure report, Federally recognized Indian tribal government, Government, Grant, Grantee, Local Government, Obligations, OMB, Outlays, Percentage of completion method, Percentage of completion method, Prior approval, Real property, Subgrant, Subgrantee, Supplies, Suspension, Termination, Terms of a grant, Third party in-kind contributions, Unliquidated obligations for reports, Unobligated balance "	"44 CFR §13.3, Uniform administrative requirements for grants and cooperative agreements to state and local governments - definitions, http://cfr.vlex.com/vid/13-3-definitions-19833874 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR §206.223	"Federal Disaster Assistance, Public assistance insurance requirements - General. (a) Sections 311 and 406(d) of the Stafford Act, and the Flood Disaster Protection Act of 1973, Public Law 93-234, set forth certain insurance requirements which apply to disaster assistance provided by FEMA. The requirements of this subpart apply to all assistance provided pursuant to section 406 of the Stafford Act with respect to any major disaster declared by the President after November 23, 1988. (b) Insurance requirements prescribed in this subpart shall apply equally to PNP facilities which receive assistance under section 406 of the Act. PNP organizations shall submit the necessary documentation and assurances required by this subpart to the Grantee. (c) Actual and anticipated insurance recoveries shall be deducted from otherwise eligible costs, in accordance with this subpart. (d) The full coverage available under the standard flood insurance policy from the National Flood Insurance Program (NFIP) will be subtracted from otherwise eligible costs for a building and its contents within the special flood hazard area in accordance with §206.252. (e) The insurance requirements of this subpart should not be interpreted as a substitute for various hazard mitigation techniques which may be available to reduce the incidence and severity of future damage."	"44 CFR §§206.250, Federal Disaster Assistance, Public assistance insurance requirements - General, http://ecfr.gpoaccess.gov/cgi/t/text-idx?c=ecfr&sid=c11d8157b15526baf1acde0002d26b47&rgn=div8&view=text&node=44:1.0.1.4.57.9.18.1&idno=44 "
DAP9525.12	"Provides guidance on disposition of equipment and supplies purchased and certain materials salvaged, by Grantees and subgrantees"	44 CFR §206.222	"Uniform administrative requirements for grants and cooperative agreements to state and local governments - Equipment. (a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively. (b) States. (c) Use. (d) management requirements. (e) Disposition. (f) Federal equipment. (g) Right to transfer title. "	"44 CFR §§13.32, Uniform administrative requirements for grants and cooperative agreements to state and local governments - Equipment, http://cfr.vlex.com/vid/13-32-equipment-19833957 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR §206.221(e)(1)-(7)	"Uniform administrative requirements for grants and cooperative agreements to state and local governments - definitions. As used in this part: Accrued expenditures mean the charges incurred by the grantee during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) Services performed by employees, contractors, subgrantees, subcontractors, and other payees; and (3) Other amounts becoming owed under programs for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments. "	"44 CFR §§13.3, Uniform administrative requirements for grants and cooperative agreements to state and local governments - definitions, http://cfr.vlex.com/vid/13-3-definitions-19833874 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR §206.207	"Federal disaster assistance for disasters declared on or after November 23, 1988 - Insurance requirements for facilities damaged by flood. 206.252. (a) Where an insurable building damaged by flooding is located in a special flood hazard area identified for more than one year by the Director, assistance pursuant to section 406 of the Stafford Act shall be reduced. The amount of the reduction shall be the maximum amount of the insurance proceeds which would have been received had the building and its contents been fully covered by a standard flood insurance policy. 206.253. Insurance requirements for facilities damaged by disasters other than flood. (a) Prior to approval of a Federal grant for the restoration of a facility and its contents which were damaged by a disaster other than flood, the Grantee shall notify the Regional Director of any entitlement to insurance settlement or recovery for such facility and its contents. The Regional Director shall reduce the eligible costs by the actual amount of insurance proceeds relating to the eligible costs."	"44 CFR §§ 206.252-206.253, Insurance requirements for facilities damaged by flood, http://cfr.vlex.com/vid/206-252-insurance-facilities-damaged-flood-19833809 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR §206.204	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster."	"44 CFR §§ 206.226, FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	44 CFR §206.203(d)	"FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988 - Emergency work. (a) General. (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible."	"44 CFR §§ 206.225(a), Emergency work - General, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	44 CFR §206.202(f)(1)	"PART 206 - FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988 - General Work Eligibility. (a) General. To be eligible for financial assistance, an item of work must: (1) Be required as the result of the major disaster event, (2) Be located within a designated disaster area, and (3) Be the legal responsibility of an eligible applicant."	"44 CFR §§ 206.223(a), General work eligibility - General, http://cfr.vlex.com/vid/206-223-general-work-eligibility-19833778 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR §206	"PART 206 - FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988 - Applicant Eligibility (206.222). The following entities are eligible to apply for assistance under the State public assistance grant: (a) State and local governments. (b) Private non-profit organizations or institutions which own or operate a private nonprofit facility as defined in § 205.221(e). (c) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska Native Corporations, the ownership of which is vested in private individuals. General Work Eligibility (206.223). (a) General. To be eligible for financial assistance, an item of work must: (1) Be required as the result of the major disaster event, (2) Be located within a designated disaster area, and (3) Be the legal responsibility of an eligible applicant."	"44 CFR §§ 206.222-206.223, Applicant eligibility and General work eligibility, http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr206.223.pdf "
DAP9525.12	"Provides guidance on disposition of equipment and supplies purchased and certain materials salvaged, by Grantees and subgrantees"	44 CFR §204.42	"Supplies. (a) Title. Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively. (b) Disposition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share."	"44 CFR §§ 13.33, Supplies, http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr13.36.pdf "
DAP9524.1	Eligible costs related to welded steel moment frame	44 CFR §13.3	"Restoration of damaged facilities. Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster and in conformity with the following is eligible: (a) Assistance under other Federal agency (OFA) programs. (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster."	"44 CFR §§ 206.226, FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988, http://law.justia.com/us/cfr/title44/44-1.0.1.4.57.8.27.7.html "
DAP9523.2	Eligibility of Building Safety Inspections Supporting Emergency Work	44 CFR §§206.250	"FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988 - Emergency work. (a) General. (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible."	"44 CFR §§ 206.225(a), Emergency work - General, http://cfr.vlex.com/vid/206-225-emergency-work-19833792 "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	44 CFR §§13.32	Public Assistance Eligibility - Definitions. (a) Educational institution (b) Force (d) Improved property (2) Utility (3) Irrigation facility (4) Emergency facility (5) Medical facility (6) Custodial care facility (7) Other essential governmental service facility (f) Private nonprofit organization (g) Public entity (h) Public facility (i) Standards	"44 CFR § 206.221, Definitions, http://cfr.vlex.com/vid/206-221-definitions-19833767 "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	44 CFR §§13.3	"Federal Disaster Assistance - Purpose. (a) Purpose. To prescribe the policies and procedures to be followed in implementing those sections of Public Law 93-288, as amended, delegated to the Administrator, Federal Emergency Management Agency (FEMA). The rules in this subpart apply to major disasters and emergencies declared by the President on or after November 23, 1988, the date of enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. "	"44 CFR §206, Federal Disaster Assistance - Purpose, http://ecfr.gpoaccess.gov/cgi/t/text-idx?c=ecfr&sid=ea0b3faf4e81f5a8194b7a23c4576961&rgn=div8&view=text&node=44:1.0.1.4.57.1.18.1&idno=44 "
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	44 CFR §§ 206.252-206.253	FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM - Purpose. This part provides information on the procedures for the declaration and grants management processes for the Fire Management Assistance Grant Program in accordance with the provisions of section 420 of the Stafford Act. This part also details applicant eligibility and the eligibility of costs to be considered under the program. We (FEMA) will actively work with State and Tribal emergency managers and foresters on the efficient delivery of fire management assistance as directed by this part.	"44 CFR § 204, FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM, http://law.justia.com/us/cfr/title44/44-1.0.1.4.55.html#44:1.0.1.4.55.1 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9523.13	Debris Removal from Private Property	44 CFR §§ 206.226	"Federal emergency assistance. In any emergency, the President may - (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical and advisory services) in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe; (b) General Whenever the Federal assistance provided under subsection (a) of this section with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe."	"42 U.S.C. 5192, Federal emergency assistance, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5192 "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	44 CFR §§ 206.225(a)	"Federal emergency assistance. In any emergency, the President may - (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical and advisory services) in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe; (b) General Whenever the Federal assistance provided under subsection (a) of this section with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe."	"42 U.S.C. 5192, Federal emergency assistance, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5192 "
DAP9523.13	Debris Removal from Private Property	44 CFR §§ 206.223(a)	"Debris removal. (a) Presidential authority The President, whenever he determines it to be in the public interest, is authorized - (1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and (2) to make grants to any State or local government or owner or operator of a private nonprofit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters. (b) Authorization by State or local government; No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal. (c) Rules relating to large lots. The President shall issue rules which provide for recognition of differences existing among urban, suburban, and rural lands in implementation of this section so as to facilitate adequate removal of debris and wreckage from large lots. (d) Federal share. The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out under this section."	"42 U.S.C. 5173, Debris removal, http://vlex.com/vid/sec-debris-removal-19248560 "
DAP9525.13	Provides guidance on allowable uses and limitations of alternate project funds when restoration of the original damaged facility is not in the best interest of the public	44 CFR §§ 206.222-206.223	"Repair, restoration, and replacement of damaged facilities - Contributions. (c) Large in-lieu contributions (1) For public facilities (A) In general In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)."	"42 U.S.C. 5172c, Repair, restoration, and replacement of damaged facilities - Contributions, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	44 CFR §§ 13.33	"Repair, restoration, and replacement of damaged facilities - (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. 5172, Repair, restoration, and replacement of damaged facilities - (a) Contributions, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "
DAP9523.4	Demolition of Private Structures	44 CFR § 206.226	"Repair, restoration, and replacement of damaged facilities - (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. 5172, Repair, restoration, and replacement of damaged facilities - (a) Contributions, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "
DAP9524.6	Collection and Individual Object Eligibility	44 CFR § 206.225	"Repair, restoration, and replacement of damaged facilities - (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. 5172, Repair, restoration, and replacement of damaged facilities - (a) Contributions, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9524.8	Eligibility for Permanent Repair and Replacement of Roads on Tribal Lands	44 CFR § 206.221	"Repair, restoration, and replacement of damaged facilities - (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. 5172, Repair, restoration, and replacement of damaged facilities - (a) Contributions, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "
DAP9523.4	Demolition of Private Structures	44 CFR § 206	Essential assistance. (b) Federal share The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.	"42 U.S.C. 5170b, Essential assistance, http://vlex.com/vid/sec-essential-assistance-19248567 "
DAP9523.13	Debris Removal from Private Property	44 CFR § 204	Essential assistance. (b) Federal share The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.	"42 U.S.C. 5170b, Essential assistance, http://vlex.com/vid/sec-essential-assistance-19248567 "
DAP9523.19	Eligible Costs Related to Pet Evacuations and Sheltering	"42 U.S.C. 55, National Environmental Policy Act"	Essential assistance. (b) Federal share The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.	"42 U.S.C. 5170b, Essential assistance, http://vlex.com/vid/sec-essential-assistance-19248567 "
DAP9525.9	Identify section 324 management costs and other grant management and administrative costs that are eligible under PA Program	42 U.S.C. 5192	"Management costs. (b) Establishment of management cost rates Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this chapter for management costs. "	"42 U.S.C. 5165b, Management costs, http://vlex.com/vid/sec-management-costs-19248575 "
DAP9521.3	Private Nonprofit (PNP) Facility Eligibility	42 U.S.C. 5192	"Definitions. (1) Emergency (2) Major disaster (3) ""United States"" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (4) ""State"" (5) ""Governor"" (6) Local government (B) an Indian tribe (7) ""Federal agency"" (8) Public facility A) Any flood control (9) Private nonprofit facility"	"42 U.S.C. 5122, Definitions, http://codes.lp.findlaw.com/uscode/42/68/1/5122 "
DAP9524.6	Collection and Individual Object Eligibility	42 U.S.C. 5173	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9525.3	Clarifies duplication of benefit issues related to grants and cash donations from non-Federal third parties for emergency and permanent work under the Public Assistance Program	42 U.S.C. 5172c	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "
DAP9524.1	Eligible costs related to welded steel moment frame	42 U.S.C. 5172	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "
DAP9521.4	Administering American Indian and Alaska Native Tribal Government Funding	42 U.S.C. 5172	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American"	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
DAP9523.6	Mutual Aid Agreements for Public Assistance and Fire Management Assistance	42 U.S.C. 5172	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>
RP9523.10	Eligibility of Vector Control (Mosquito Abatement)	42 U.S.C. 5172	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>
DAP9523.15	Eligible Costs Related to Evacuations and Sheltering	42 U.S.C. 5170b	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
RP9524.2	Eligible costs for landslide and slope failure	42 U.S.C. 5170b	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>
DAP9524.5	"Trees, Shrubs, and Other Plantings Associated with Facilities"	42 U.S.C. 5170b	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>
DAP9525.1	Post-Disaster Property Tax Reassessment	42 U.S.C. 5165b	<p>"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."</p>	<p>"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210"</p>

FEMA Public Assistance Program Analysis

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DAP 9525.2	"Eligibility for credit for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work"	42 U.S.C. 5122	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "
DAP9525.16	Establish the research-related equipment and furnishings associated with disaster-damaged PNP or public facilities that are eligible for reimbursement under the PA Program	42 U.S.C. 5121-5207	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "
DAP9524.9	Replacement of Animals Associated with Eligible Facilities	"42 U.S.C. 5121-5206, Section 312"	"Repair, restoration, and replacement of damaged facilities. (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. §5172, Repair, restoration, and replacement of damaged facilities, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "
DAP9527.4	Provides guidance for determining eligible work based on State and local construction codes and standards as they apply to the repair and restoration of damaged facilities	42 U.S.C. 5121?5206	"Repair, restoration, and replacement of damaged facilities. (a) Contributions (1) In general The President may make contributions - (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person."	"42 U.S.C. §5172, Repair, restoration, and replacement of damaged facilities, http://vlex.com/vid/repair-restoration-replacement-damaged-19248561 "

FEMA Public Assistance Program Analysis

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RP9521.5	Eligibility of Charter Schools	42 U.S.C. 5121-5206	"5121. Congressional findings and declarations. 5122. Definitions. 5131. Federal and State disaster preparedness programs. 5132. Disaster warnings. 5141. Waiver of administrative conditions. 5143. Coordinating officers. 5144. Emergency support teams. 5147. Reimbursement of federal agencies. 5148. Non-liability of Federal Government. 5149. Performance of services. 5150. Use of local firms and individuals. 5151. Nondiscrimination in disaster assistance. 5152. Use and coordination of relief organizations. 5153. Priority to certain applications for public facility and public housing assistance. 5154. Insurance. 5155. Duplication of benefits. 5156. Standards and reviews. 5157. Penalties. 5158. Availability of materials. 5159. Protection of environment. 5160. Recovery of assistance. 5161. Audits and investigations. 5162. Advance of non-Federal share. 5164. Rules and regulations. 5170. Procedure for declaration. 5170a. General Federal assistance. 5170b. Essential assistance. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5175. Repealed. Pub. L. 100-707, title I, Sec. 105(m)(2), Nov. 23, 1988, 102 Stat. 4696, Repealed. Pub. L. 106-390, title I, Sec. 104(c)(2), Oct. 30, 2000, 114 Stat. 1559, Sec. 5177. Unemployment assistance, Sec. 5177a. Emergency grants to assist low-income migrant and seasonal farm workers, Sec. 5178. Repealed. Pub. L. 106-390, title II, Sec. 206(c), Oct. 30, 2000, 114 Stat. 1571. Sec. 5179. Food coupons and distribution. Sec. 5180. Food commodities. Sec. 5181. Relocation assistance. Sec. 5182. Legal services. Sec. 5183. Crisis counseling assistance and training. Sec. 5170. Procedure for declaration. Sec. 5184. Community disaster loans. Sec. 5185. Emergency communications. Sec. 5186. Emergency public transportation. Sec. 5187. Fire management assistance. Sec. 5188. Timber sale contracts. Sec. 5189. Simplified procedure. Sec. 5189a. Appeals of assistance decisions. Sec. 5189b. Date of eligibility; expenses incurred before date of disaster. 42 USC 5170 - Sec. 5170a. General Federal assistance. Sec. 5170b. Essential assistance. Sec. 5170c. Hazard mitigation. Sec. 5171. Federal facilities. Sec. 5172. Repair, restoration, and replacement of damaged facilities. Sec. 5173. Debris removal. Sec. 5174. Federal assistance to individuals and households. Sec. 5206. Buy American."	"42 U.S.C. 5121-5207, Disaster Relief, http://vlex.com/source/us-code-public-health-welfare-1041/page/210 "
DAP-9523.18	Host-State Evacuation and Sheltering Reimbursement	42 U.S.C. 5121-5206	Section 5191: Procedure for declaration. 5192: Federal emergency assistance. Section 5193: Amount of assistance.	"42 U.S.C. §§5191-5193, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5191 "
DAP9525.4	"Emergency medical care and medical evacuation expenses that are eligible for reimbursement under the Category B, Emergency Protective Measures"	42 U.S.C. 5121-5206	"In any emergency, the President may - (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical and advisory services) in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe; (b) General Whenever the Federal assistance provided under subsection (a) of this section with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe."	"42 U.S.C. §§ 5192, Section 5192: Federal emergency assistance, http://codes.lp.findlaw.com/uscode/42/68/IV-A/5192 "
DAP9525.4	"Emergency medical care and medical evacuation expenses that are eligible for reimbursement under the Category B, Emergency Protective Measures"	42 U.S.C. 5121-5206	"Essential assistance. (a) In general Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows: (1) Federal resources, generally Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this chapter."	"42 U.S.C. §§ 5170b, Essential assistance, http://vlex.com/vid/sec-essential-assistance-19248567 ."
		42 U.S.C. 5121-5206	"National Environmental Policy Act. The NEPA process consists of an evaluation of relevant environmental effects of a federal project or action undertaking, including a series of pertinent alternatives. The NEPA process begins when an agency develops a proposal to address a need to take an action. Once a determination of whether or not the proposed action is covered under NEPA there are three levels of analysis that a federal agency may undertake to comply with the law. These three levels include: preparation of a Categorical Exclusion (CE), preparation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI); or preparation and drafting of an Environmental Impact Statement (EIS)."	"42 U.S.C. 55, National Environmental Policy Act, http://uscode.house.gov/download/pls/42C55.txt "
"FEMA Policy 9560.1, Environmental Policy Memoranda, 17 August 1999"	"This policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the Public Assistance Program."	42 U.S.C. 5121 – 5206	"An action which is taken or assistance which is provided pursuant to section 402, 403, 406, 407, or 502 [42 U.S.C. § 5170a, 5170b, 5172, 5173, or 5192], including such assistance provided pursuant to the procedures provided for in section 422 [42 U.S.C. § 5189], which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §§ 4321 et seq.]. Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 [42 U.S.C. §§ 4321 et seq.] to other Federal actions taken under this Act or under any other provisions of law."	"Stafford Act, Section 316 (SS 5159), Protection of Environment, http://www.ncrhomelandsecurity.org/ncr/downloads/staffordact.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
"FEMA Policy 9560.1, 17 August 1999"	"This policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the Public Assistance Program. Examples of projects requiring NEPA review are: Any project that involves breaking or disturbing new or undeveloped ground; Work taking place in floodplains or wetlands; Improved projects that increase the size or footprint of a facility (see Improved Projects); Alternate projects (see Alternate Projects); Relocated projects (see Relocation, Permanent); Hazard mitigation projects affecting floodplains or wetlands, such as culvert enlargements; Any project that changes the function of a facility."	42 U.S.C. 5121 – 5206	"(a) This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91–190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977). (b) Section 1507.3, Council on Environmental Quality Regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) directs that Federal agencies shall adopt procedures to supplement the CEQ regulations. This regulation provides detailed FEMA implementing procedures to supplement the CEQ regulations. (c) The provisions of this part must be read together with those of the CEQ regulations and NEPA as a whole when applying the NEPA process."	"44 CFR Part 10, Environmental Considerations, Background and purpose, http://law.justia.com/us/cfr/title44/44-1.0.1.1.11.html "
"FEMA Policy 9560.1, 17 August 1999"	"This policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the Public Assistance Program. Examples of projects requiring NEPA review are: Any project that involves breaking or disturbing new or undeveloped ground; Work taking place in floodplains or wetlands; Improved projects that increase the size or footprint of a facility (see Improved Projects); Alternate projects (see Alternate Projects); Relocated projects (see Relocation, Permanent); Hazard mitigation projects affecting floodplains or wetlands, such as culvert enlargements; Any project that changes the function of a facility."	42 U.S.C. 5121 – 5206	"(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains ""action-forcing"" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101. (b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."	"40 CFR Parts 1500-1508, Appendix A, Council on Environmental Quality; Purpose, Policy and Mandate, http://www.mnrg.gov/meetings/2005cimpacts/pdfs/CEQ.pdf "
"Public Assistance Guide, FEMA 322, pages 128-130"	"The National Environmental Policy Act (NEPA) requires every Federal agency to follow a specific planning process to ensure that agency decision-makers have considered, and the general public is fully informed about, the environmental consequences of a proposed Federal action, such as the approval of a grant. This review and consultation process is used to evaluate the impact a project, and any possible alternatives, may have on the environment. The process must be completed prior to obligating funds and beginning work. FEMA's regulations regarding NEPA can be found in 44 CFR Part 10. NEPA does not require that FEMA limit the impact of projects on the environment; nor does it require FEMA to fund only the alternative that has the least environmental impact. However, it does require that the decision to fund a project be made in an informed manner. The review process required by NEPA, where applicable, is usually the means through which FEMA addresses other environmental laws and regulations. Statutory Exclusions (STATEX). Section 316 of the Stafford Act provides FEMA with a statutory exclusion from NEPA, which exempts from the NEPA review process certain program activities that restore a facility substantially to its condition prior to the disaster or emergency. The exempted Stafford Act programs are: Section 402 (General Federal Assistance); Section 403 (Essential Assistance) - protective measures, such as the construction of temporary bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety; Section 406 (Repair, Restoration, and Replacement of Damaged Facilities) - repair or restoration projects that restore facilities substantially to their pre-disaster footprint, function, and size; Section 502 (Federal Emergency Assistance)."	42 U.S.C. 5121 – 5206	"An action which is taken or assistance which is provided pursuant to section 402, 403, 406, 407, or 502 [42 U.S.C. § 5170a, 5170b, 5172, 5173, or 5192], including such assistance provided pursuant to the procedures provided for in section 422 [42 U.S.C. § 5189], which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §§ 4321 et seq.]. Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 [42 U.S.C. §§ 4321 et seq.] to other Federal actions taken under this Act or under any other provisions of law."	"Stafford Act, Section 316 (SS 5159), Protection of Environment, http://www.ncrhomelandsecurity.org/ncr/downloads/staffordact.pdf "

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
"Public Assistance Guide, FEMA 322, pages 128-130"	"The National Environmental Policy Act (NEPA) requires every Federal agency to follow a specific planning process to ensure that agency decision-makers have considered, and the general public is fully informed about, the environmental consequences of a proposed Federal action, such as the approval of a grant. This review and consultation process is used to evaluate the impact a project, and any possible alternatives, may have on the environment. The process must be completed prior to obligating funds and beginning work. FEMA's regulations regarding NEPA can be found in 44 CFR Part 10. NEPA does not require that FEMA limit the impact of projects on the environment; nor does it require FEMA to fund only the alternative that has the least environmental impact. However, it does require that the decision to fund a project be made in an informed manner. The review process required by NEPA, where applicable, is usually the means through which FEMA addresses other environmental laws and regulations. Statutory Exclusions (STATEX). Section 316 of the Stafford Act provides FEMA with a statutory exclusion from NEPA, which exempts from the NEPA review process certain program activities that restore a facility substantially to its condition prior to the disaster or emergency. The exempted Stafford Act programs are: Section 402 (General Federal Assistance); Section 403 (Essential Assistance) - protective measures, such as the construction of temporary bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety; Section 406 (Repair, Restoration, and Replacement of Damaged Facilities) - repair or restoration projects that restore facilities substantially to their pre-disaster footprint, function, and size; Section 502 (Federal Emergency Assistance)."	42 U.S.C. §5172	"(a) This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977). (b) Section 1507.3, Council on Environmental Quality Regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) directs that Federal agencies shall adopt procedures to supplement the CEQ regulations. This regulation provides detailed FEMA implementing procedures to supplement the CEQ regulations. (c) The provisions of this part must be read together with those of the CEQ regulations and NEPA as a whole when applying the NEPA process."	"44 CFR Part 10, Environmental Considerations, Background and purpose, http://law.justia.com/us/cfr/title44/44-1.0.1.1.11.html "
"Public Assistance Guide, FEMA 322, pages 128-130"	"The National Environmental Policy Act (NEPA) requires every Federal agency to follow a specific planning process to ensure that agency decision-makers have considered, and the general public is fully informed about, the environmental consequences of a proposed Federal action, such as the approval of a grant. This review and consultation process is used to evaluate the impact a project, and any possible alternatives, may have on the environment. The process must be completed prior to obligating funds and beginning work. FEMA's regulations regarding NEPA can be found in 44 CFR Part 10. NEPA does not require that FEMA limit the impact of projects on the environment; nor does it require FEMA to fund only the alternative that has the least environmental impact. However, it does require that the decision to fund a project be made in an informed manner. The review process required by NEPA, where applicable, is usually the means through which FEMA addresses other environmental laws and regulations. Statutory Exclusions (STATEX). Section 316 of the Stafford Act provides FEMA with a statutory exclusion from NEPA, which exempts from the NEPA review process certain program activities that restore a facility substantially to its condition prior to the disaster or emergency. The exempted Stafford Act programs are: Section 402 (General Federal Assistance); Section 403 (Essential Assistance) - protective measures, such as the construction of temporary bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety; Section 406 (Repair, Restoration, and Replacement of Damaged Facilities) - repair or restoration projects that restore facilities substantially to their pre-disaster footprint, function, and size; Section 502 (Federal Emergency Assistance)."	42 U.S.C. §5172	"(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains ""action-forcing"" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101. (b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."	"40 CFR Parts 1500-1508, Appendix A, Council on Environmental Quality; Purpose, Policy and Mandate, http://www.mnrg.gov/meetings/2005cimpacts/pdfs/CEQ.pdf "
"9570.6 SOP, Validation of Small Projects, September, 1999, http://www.fema.gov/pdf/government/grant/pa/sopspv.pdf "	"The purpose of validation is to confirm the eligibility, compliance, accuracy and reasonableness of small projects formulated by an applicant. Validation is a review of all aspects of the project, including the site(s), estimating method and all documentation related to the project. FEMA conducts validation to confirm that projects are in compliance with all laws, regulations, and agency policy. Validation also ensures the project provides the maximum assistance available under the law. Definition of a small project - A small project is any eligible work, either emergency or permanent, costing from \$1,000 to \$57,500 (\$57,500 is the threshold for small projects for Federal fiscal year 2006 and is adjusted annually.) Funding for small projects is based on the Federal share-usually 75%-of the approved estimate of eligible work."	42 U.S.C. §5121-5206		

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
		42 U.S.C. §§5191-5193	"Requires review of any project funded, licensed, permitted, or assisted by the federal government for impact on significant historic properties. The agency must allow the State Historic Preservation Office and the Advisory Council on Historic Preservation to comment on a proposed project. During the review process, the agency must determine if historic properties exist within the project area. If so, the agency must determine the effects on those properties and seek ways to avoid or reduce any negative effects."	http://www.gsa.gov/portal/content/100884
		42 U.S.C. §§ 5192	"The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under part B of this subchapter a reasonable opportunity to comment with regard to such undertaking."	http://trac.syr.edu/laws/16/16USC00470f.html
		42 U.S.C. §§ 5170b	"Purposes - Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties."	http://ecfr.gpoaccess.gov/cgi/t/text?text-idx?c=ecfr&sid=a1c6326ab9b43cf61665ccc50a4d7d8f&rgn=div5&view=text&node=36:3.0.6.1.1&idno=36#36:3.0.6.1.1.1.1%20
"FEMA website, http://www.fema.gov/plan/ehp/ehplaws/nhpa.shtml "	"Description and Intent - directs federal agencies to take into account the effect of any undertaking (a federally funded or assisted project) on historic properties. ""Historic property"" is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. Typically, a historic property must be at least 50 years old and retain integrity. Summary of Requirement - section 106 of the NHPA requires that, before approving or carrying out a federal, federally assisted, or federally licensed undertaking, federal agencies to take into consideration the impact that the action may have on historic properties. Section 106 also requires that federal agencies provide the Council with the opportunity to comment on the undertaking. FEMA, in coordination with the State Historic Preservation Officer (SHPO)/ Tribal Historic Preservation Officer (THPO) and other consulting parties, must identify historic properties that may be affected by the proposed project and assess adverse effects of the actions. FEMA must then obtain concurrence from the SHPO/THPO on the eligibility of the identified historic properties and the effects on them. If there are adverse effects, FEMA, in cooperation with the Subgrantee and Grantee, consults with the SHPO/THPO and other consulting parties on ways to avoid or treat adverse effects to historic properties and develops a project-specific Memorandum of Agreement with the SHPO/THPO that outlines the agreed-upon treatment measures. Responsibility for compliance with NHPA lies with the federal agency funding the project or action, which in this case is FEMA. However, there may be Programmatic Agreements executed for certain disasters or in specific states that substitute a more streamlined review process in place of Section 106. In any case, Subgrantees and Grantees assist FEMA in carrying out responsibilities under the Act, as appropriate."	"40 CFR Parts 1500-1508, Appendix A, Council on Environmental Quality"	"The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking. "	http://www.achp.gov/docs/nhpa%202008-final.pdf

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
"FEMA website, http://www.fema.gov/plan/ehp/ehplaws/nepa.shtml "	"Description and intent - NEPA establishes a national policy for the protection and maintenance of the environment by providing a process which all federal agencies must follow. The Act called for the creation of the President's Council on Environmental Quality (CEQ). CEQ in turn created regulations for implementing NEPA. Because NEPA is a procedural law, CEQ requires each federal agency, including FEMA, to write their own NEPA compliance regulations to fit their particular programs. Summary of Requirements - FEMA's Regulations at 44 CFR Part 10, the Department of Homeland Security's Management Directive 5100.1, and the Council on Environmental Quality Regulations at 40 CFR Part 1500-1508 implement the NEPA requirements for FEMA. NEPA directs federal agencies to thoroughly assess the environmental consequences of ""major federal actions significantly affecting the environment."" Before FEMA can fund or implement an action that may affect the environment, agency decision-makers must study the potential impacts that the proposed action and alternatives will have on the human and natural environment, and make that information available to the public. Because different actions may not have similar, significant effects on the environment, there are differing levels of review under NEPA."	"40 CFR Parts 1500-1508, Appendix A, Council on Environmental Quality"	"The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. Sec. 103 [42 USC § 4333] - All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act."	http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm
"FEMA website, http://www.fema.gov/plan/ehp/ehplaws/nepa.shtml "	"Description and intent - NEPA establishes a national policy for the protection and maintenance of the environment by providing a process which all federal agencies must follow. The Act called for the creation of the President's Council on Environmental Quality (CEQ). CEQ in turn created regulations for implementing NEPA. Because NEPA is a procedural law, CEQ requires each federal agency, including FEMA, to write their own NEPA compliance regulations to fit their particular programs. Summary of Requirements - FEMA's Regulations at 44 CFR Part 10, the Department of Homeland Security's Management Directive 5100.1, and the Council on Environmental Quality Regulations at 40 CFR Part 1500-1508 implement the NEPA requirements for FEMA. NEPA directs federal agencies to thoroughly assess the environmental consequences of ""major federal actions significantly affecting the environment."" Before FEMA can fund or implement an action that may affect the environment, agency decision-makers must study the potential impacts that the proposed action and alternatives will have on the human and natural environment, and make that information available to the public. Because different actions may not have similar, significant effects on the environment, there are differing levels of review under NEPA."	40 CFR Chapter V--council on environmental quality	"(a) This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977)."	http://ecfr.gpoaccess.gov/cgi/t/text?text-idx?c=ecfr&sid=18348fb0e1f334caad2b818225406080&rgn=div8&view=text&node=44:1.0.1.1.1.1.9.1&idno=44
"FEMA website, http://www.fema.gov/plan/ehp/ehplaws/nepa.shtml "	"Description and intent - NEPA establishes a national policy for the protection and maintenance of the environment by providing a process which all federal agencies must follow. The Act called for the creation of the President's Council on Environmental Quality (CEQ). CEQ in turn created regulations for implementing NEPA. Because NEPA is a procedural law, CEQ requires each federal agency, including FEMA, to write their own NEPA compliance regulations to fit their particular programs. Summary of Requirements - FEMA's Regulations at 44 CFR Part 10, the Department of Homeland Security's Management Directive 5100.1, and the Council on Environmental Quality Regulations at 40 CFR Part 1500-1508 implement the NEPA requirements for FEMA. NEPA directs federal agencies to thoroughly assess the environmental consequences of ""major federal actions significantly affecting the environment."" Before FEMA can fund or implement an action that may affect the environment, agency decision-makers must study the potential impacts that the proposed action and alternatives will have on the human and natural environment, and make that information available to the public. Because different actions may not have similar, significant effects on the environment, there are differing levels of review under NEPA."	"36 CFR (parks, forests, and public property) Part 800—protection of historic properties"	"Part 1500 Purpose, policy, and mandate - (a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101."	http://www.access.gpo.gov/nara/cfr/waisidx_07/40cfr1500_07.html

FEMA Public Assistance Program Analysis

Cited In	FEMA Policy and Document Description	Authority/Requirement	Explanation	Reference
<p>"9560.1 Environmental Policy Memoranda, http://www.fema.gov/government/grant/pa/9560_1.shtml"</p>	<p>"This policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the Public Assistance Program. All Federal agencies are required by the National Environmental Policy Act (NEPA) to follow a specific planning process to ensure that agency decision-makers and local governments have considered the environmental consequences of Federal actions. In addition to NEPA, environmental review addresses the requirements of many associated laws and executive orders including: National Historic Preservation Act, Endangered Species Act, Clean Water Act, Clean Air Act and the executive orders on wetlands, floodplains and environmental justice. General guidance to FEMA on environmental considerations is provided by 44 CFR Part 10. "</p>	<p>"16 U.S.C. 470, Section 106, "</p>	<p>"(a) This part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and Executive Order 11991, 42 FR 26967 (1977)."</p>	<p>http://ecfr.gpoaccess.gov/cgi/t/text?text-idx?c=ecfr&sid=18348fb0e1f334caad2b818225406080&rgn=div8&view=text&node=44:1.0.1.1.1.1.1.9.1&idno=44</p>
<p>"9560.1 Environmental Policy Memoranda, http://www.fema.gov/government/grant/pa/9560_1.shtml"</p>	<p>"This policy compiles all environmental policy memoranda that have been issued by FEMA National Headquarters and makes them readily available for guidance in administering the Public Assistance Program. All Federal agencies are required by the National Environmental Policy Act (NEPA) to follow a specific planning process to ensure that agency decision-makers and local governments have considered the environmental consequences of Federal actions. In addition to NEPA, environmental review addresses the requirements of many associated laws and executive orders including: National Historic Preservation Act, Endangered Species Act, Clean Water Act, Clean Air Act and the executive orders on wetlands, floodplains and environmental justice. General guidance to FEMA on environmental considerations is provided by 44 CFR Part 10. "</p>	<p>"16 U.S.C sec. 470f, title 16 - conservation, Chapter 1A - historic sites, buildings, objects, and antiquities, Subchapter ii - national historic preservation, Part A - programs"</p>	<p>"Protection of Environment - An action which is taken or assistance which is provided pursuant to section 5170a , 5170b, 5172, 5173, or 5192 of this title, including such assistance provided pursuant to the procedures provided for in section 5189 of this title , which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §4321 et seq.]."</p>	<p>"FEMA 592, June 2007, p. 20, http://www.fema.gov/pdf/about/stafford_act.pdf"</p>

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APPENDIX 4: CURRENT PROCESS FLOW DIAGRAMS

The flow diagrams in this appendix illustrate the “as is” state of each process within the current PA Program. Each of these processes were drawn from the text of the Public Assistance Operations Manual and vetted through the sponsor.³⁸

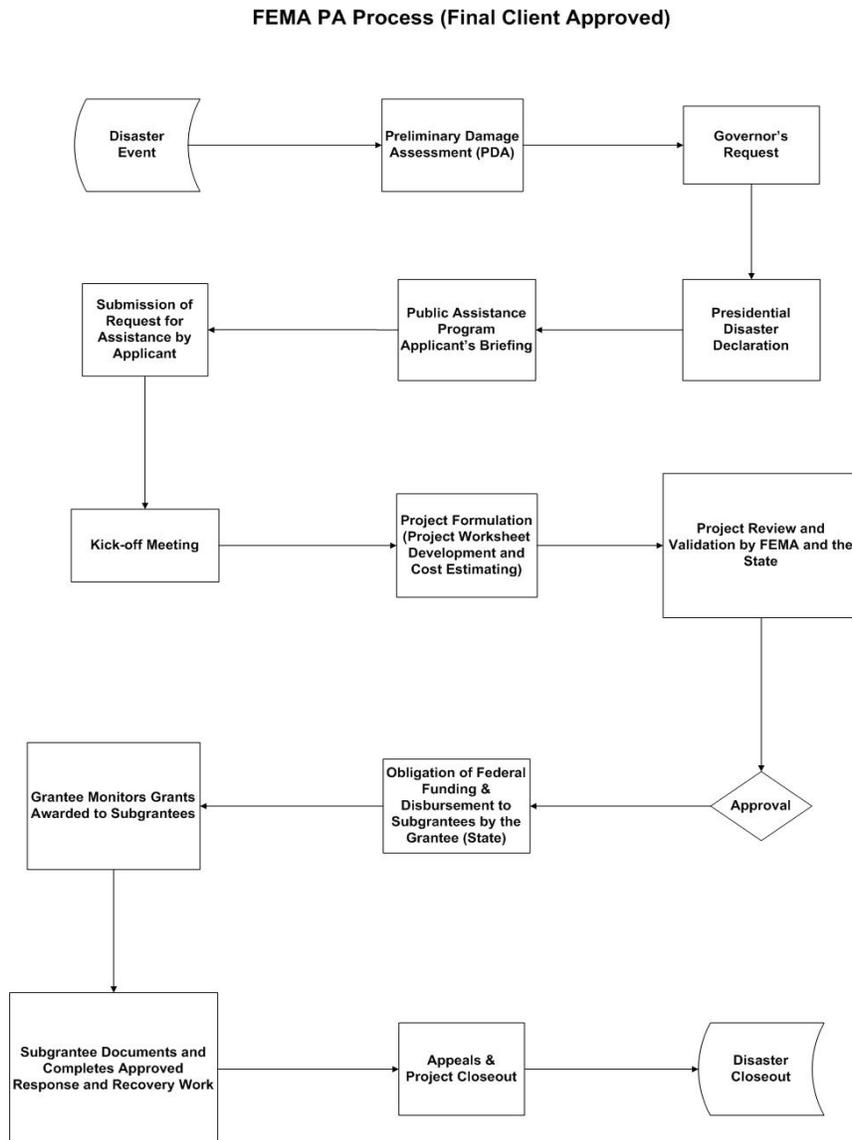


Figure 7: Overall FEMA PA Program Process

³⁸ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Operations Manual, draft*. 2010.

PA Process Preliminary Damage Assessment (PDA)



Figure 8: Preliminary Damage Assessment (PDA)

PA Process Applicant's Briefing

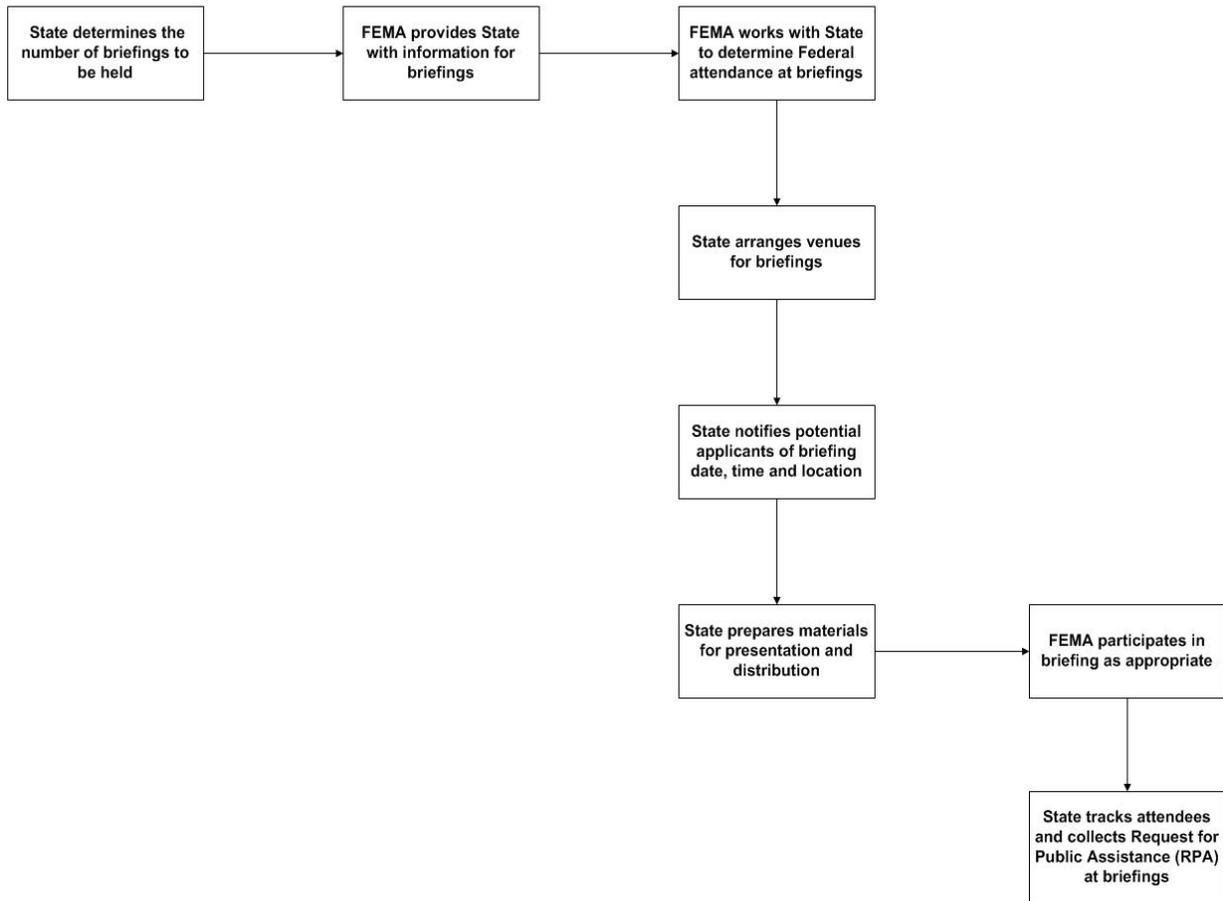


Figure 9: Applicant's Briefing

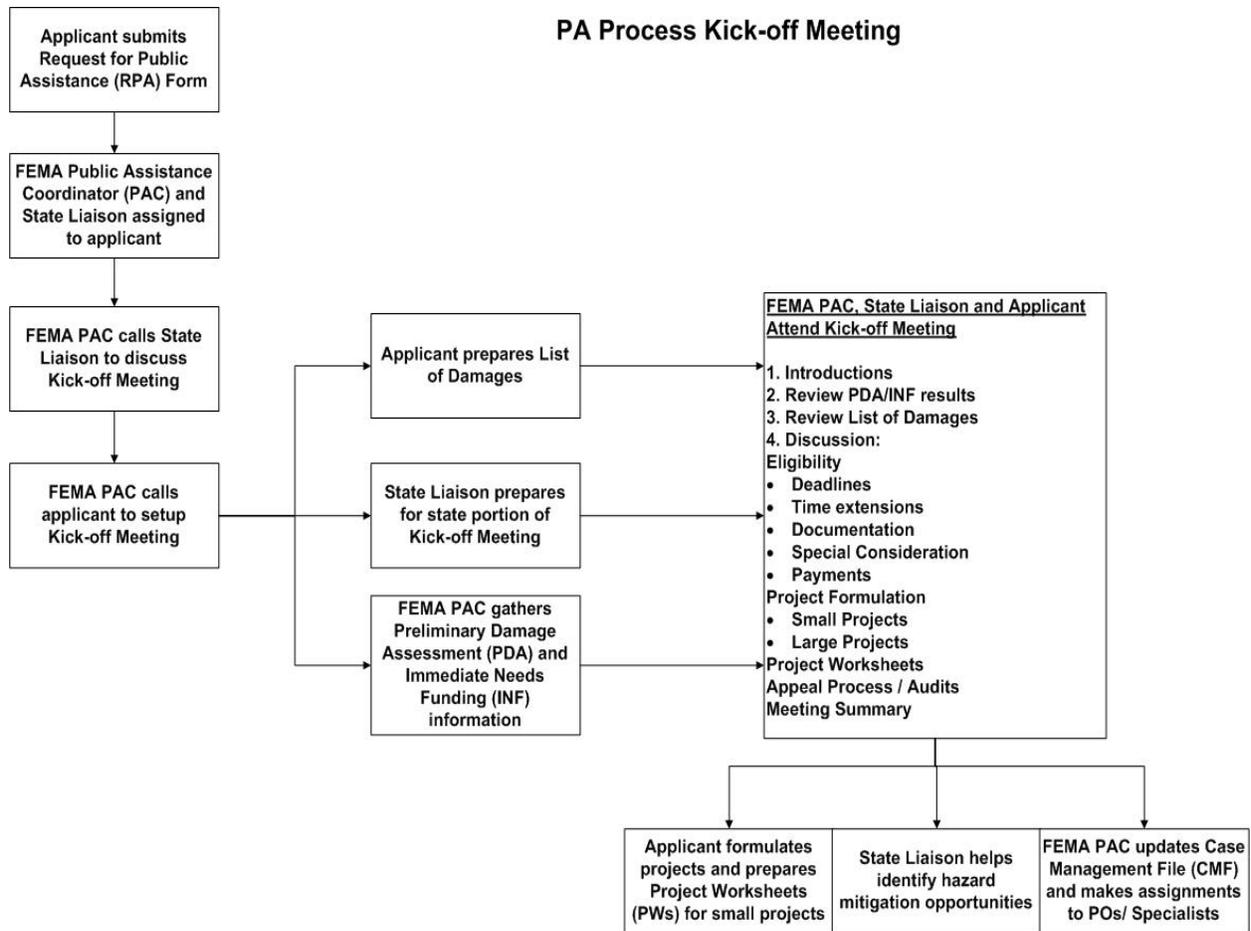


Figure 10: Submission of RPA and Kick-off Meeting

PA Process Small Project Formulation

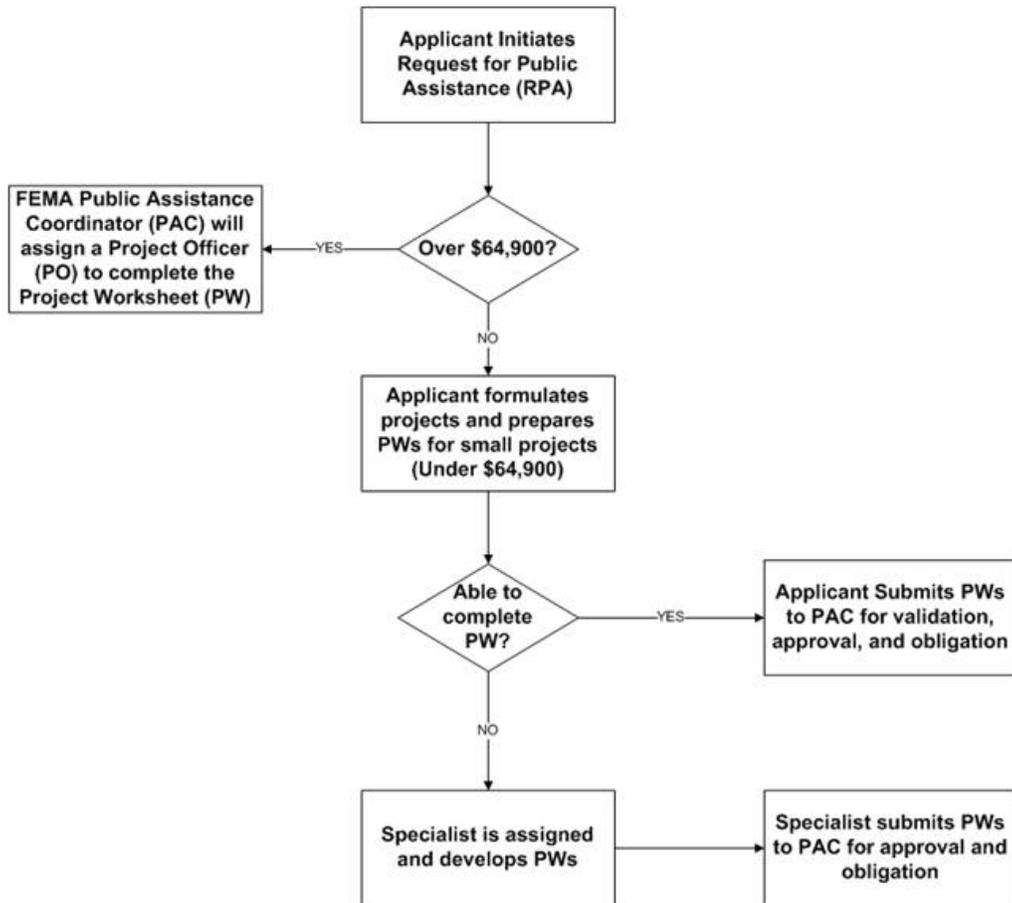


Figure 11: Small Project PW Formulation

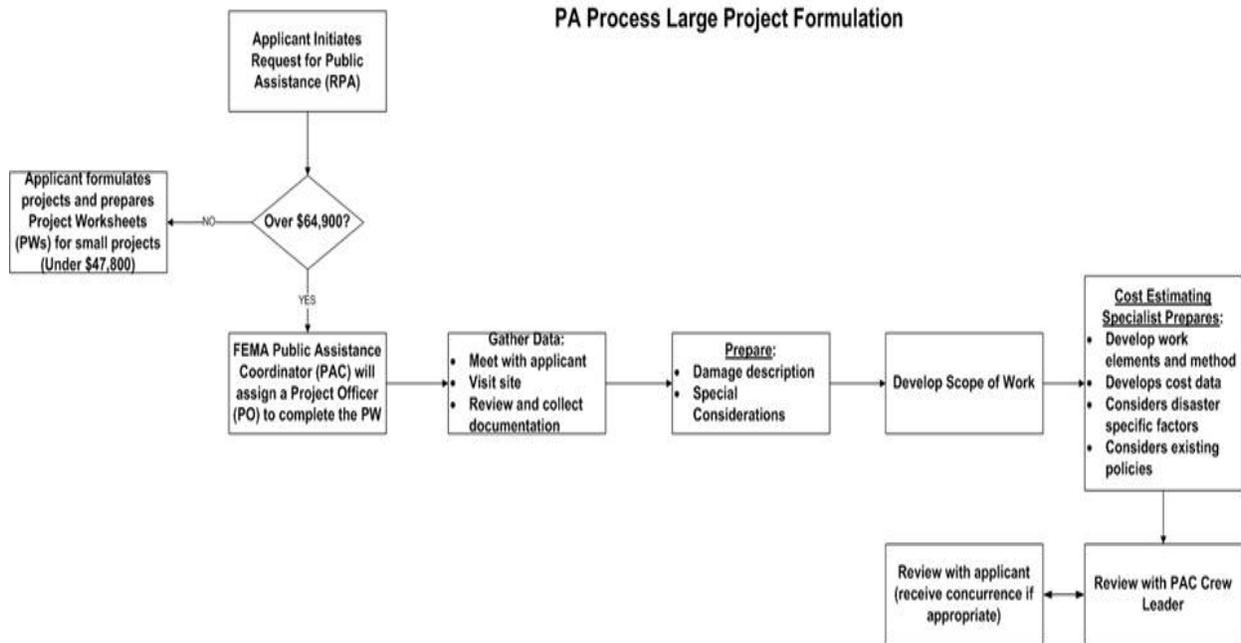


Figure 12: Large Project PW Formulation

PA Process Project Review Step

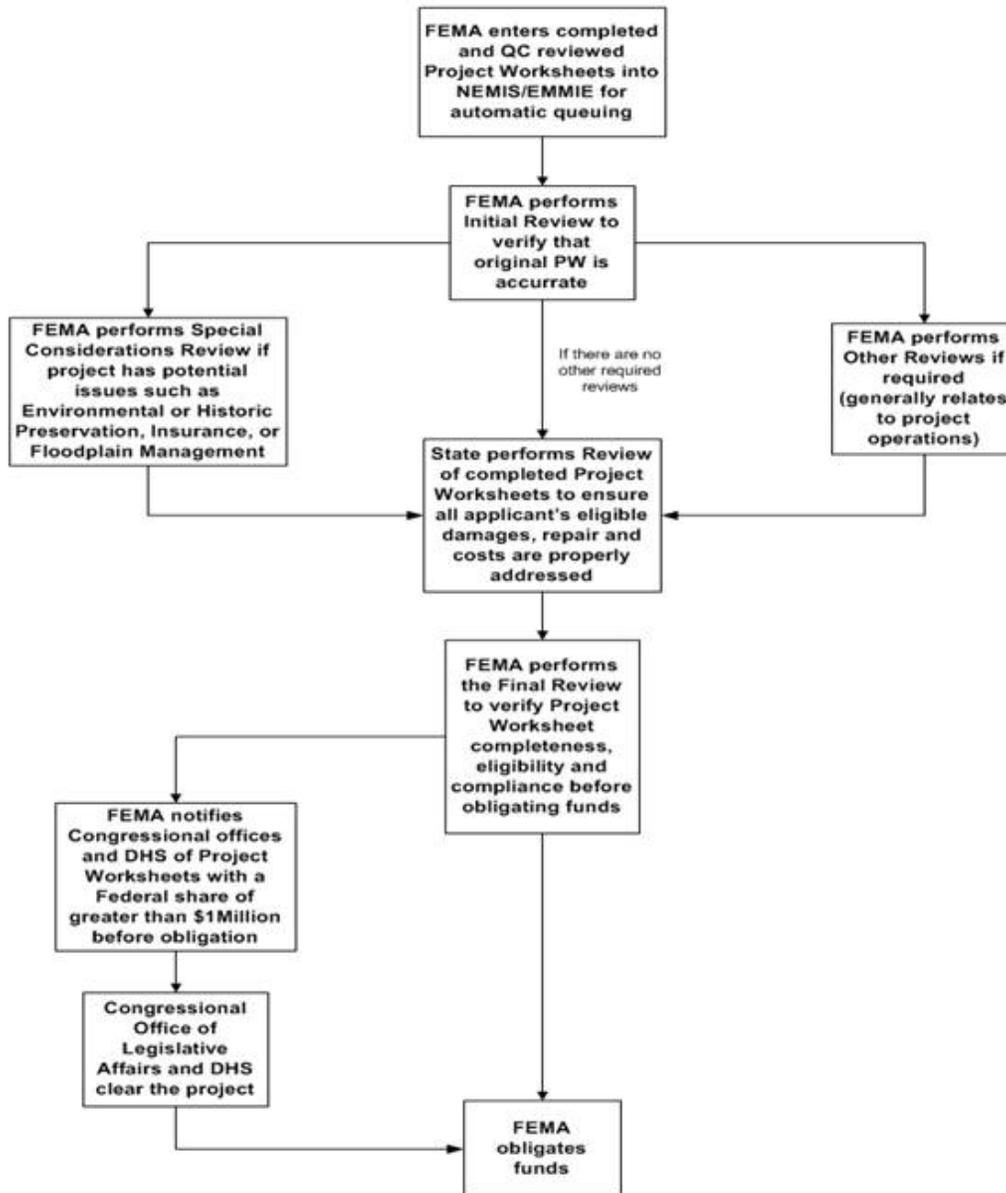


Figure 13: Project Review

PA Process Obligation of Funds Step

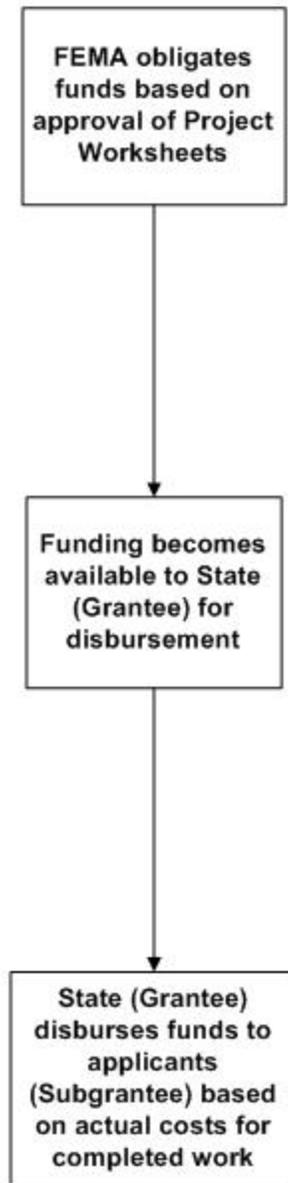
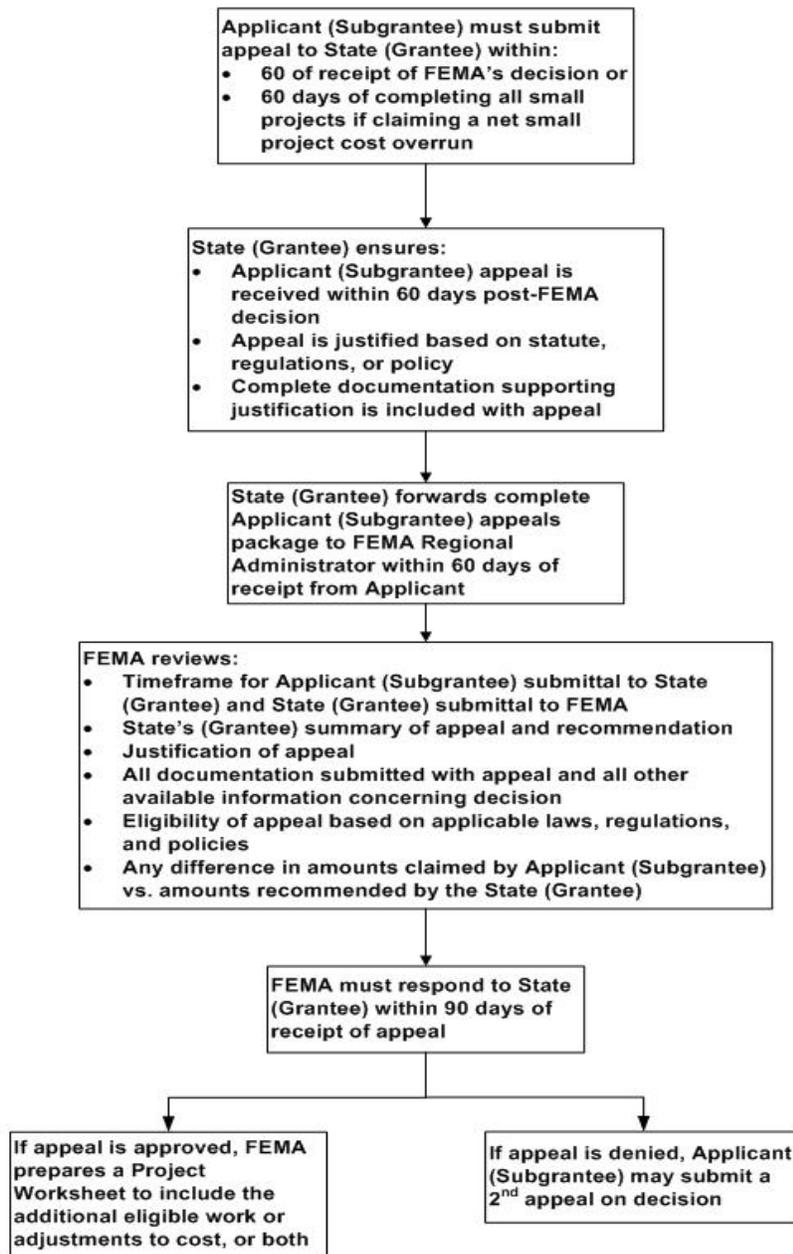


Figure 14: Obligation of Funds

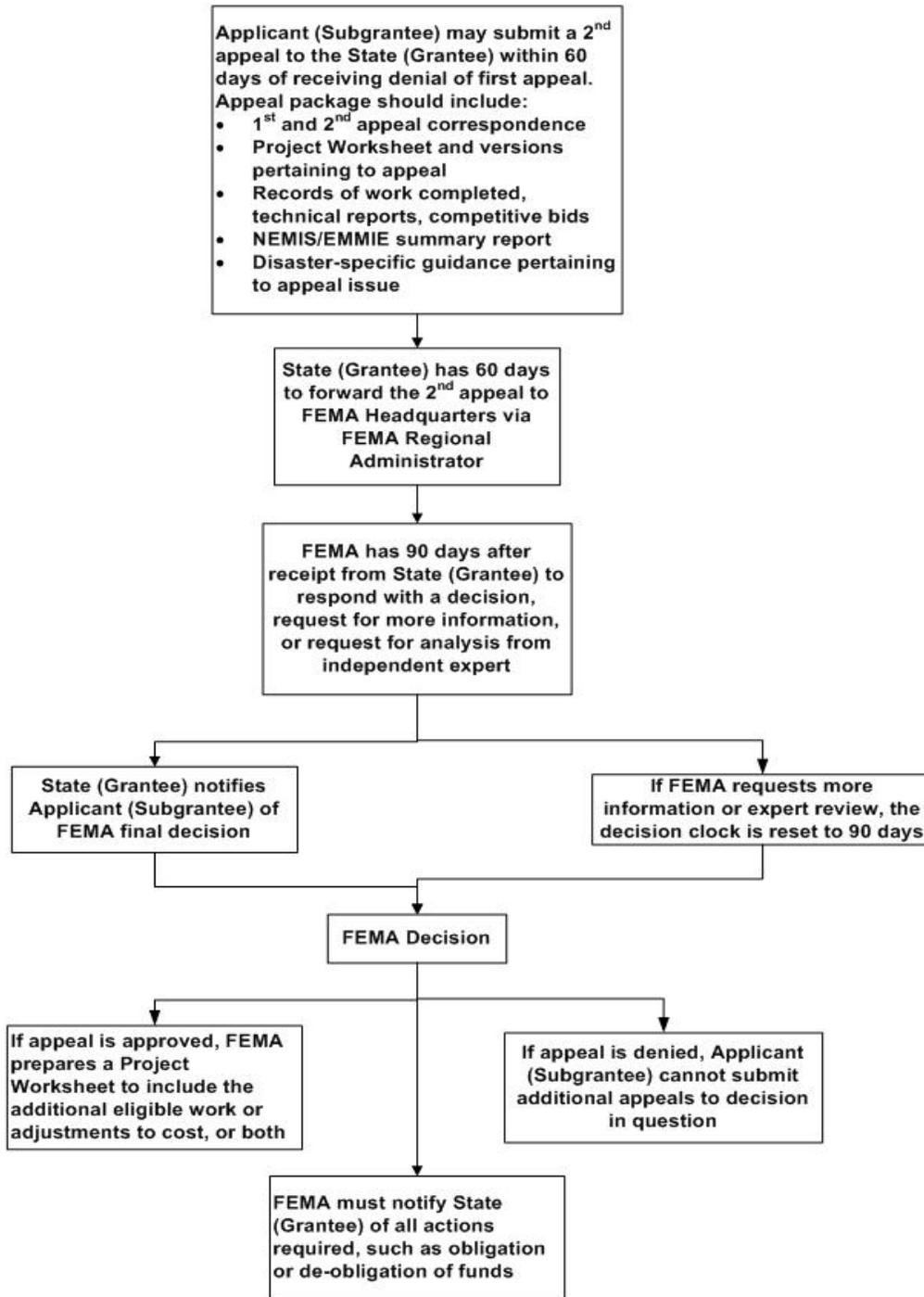
PA Process Appeals Process Step 1: First Appeal



Subgrantee has right to appeal any PA Process decision made by FEMA

Figure 15: Appeals Process, Step 1

PA Process Appeals Process Step 2: Second Appeal



Subgrantee has right to appeal any PA Process decision made by FEMA

Figure 16: Appeals Process, Step 2

PA Process Grantee and Subgrantee

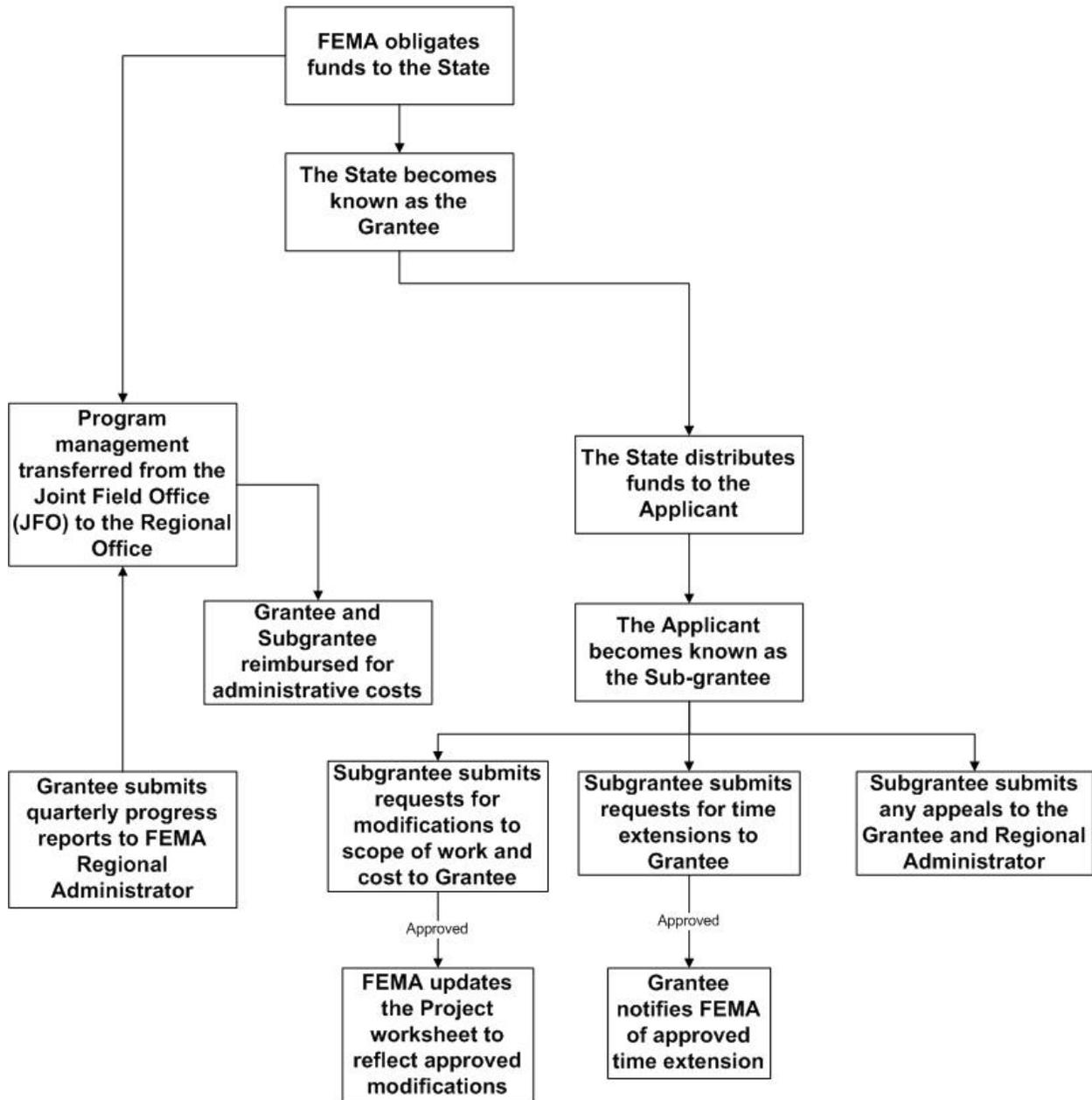
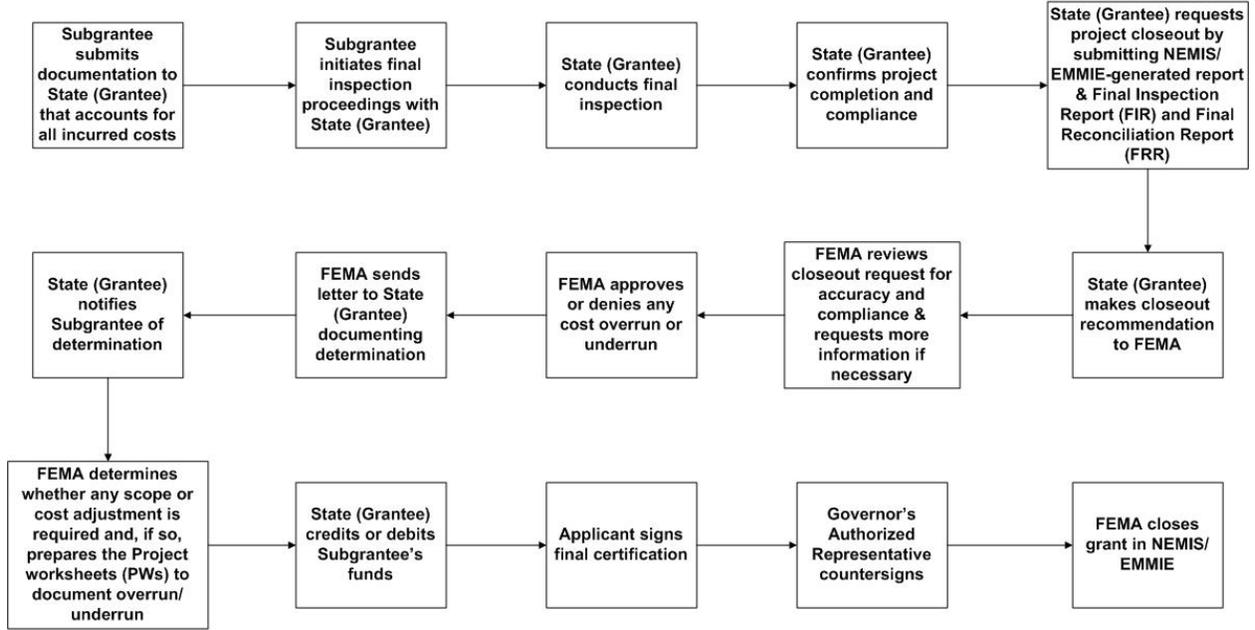


Figure 17: State and Applicant Relationship

PA Process Project Closeout



Closeout of Small Projects occurs upon obligation of funds.

Figure 18: Project Closeout Process

APPENDIX 5: PROGRAM METRICS

The following information comes from FEMA’s “Public Assistance Performance Goals” website.

FEMA has established performance measures that are in compliance with the Government Performance and Results Act of 1993. These performance measures allow Congress to ascertain the efficiency and effectiveness of the PA Program. However, following a 2009 report issued by the Office of the Inspector General (OIG),³⁹ FEMA revised its performance goals to account for different size disasters. FEMA classifies disasters into the following categories:

- Small Disasters: \$0- \$10 million
- Medium Disasters: \$10- \$100 million
- Large Disasters: \$100- \$500 million
- Very Large Disasters: \$500 million or more

FEMA utilizes the following performance metrics:

Performance Goal 1: Obligate 50 percent of funding within:

- 90 days for disasters up to \$10 million
- 150 days for disasters between \$10 and - \$100 million
- 200 days for disasters between \$100 and - \$500 million
- 365 days for disasters over \$500 million

Performance Goal 2: Obligate 80 percent of funding within:

- 180 days for disasters up to \$10 million
- 365 days for disasters between \$10 and -\$100 million
- 365 days for disasters between \$100 and -\$500 million
- 730 days for disasters over \$500 million

Performance Goal 3: Close the PA Program

Performance Goals 4: Customer Satisfaction Ratings: Achieve at least 90 percent customer satisfaction for all disasters.⁴⁰

³⁹ United States Department of Homeland Security, Office of the Inspector General. *Assessment of FEMA’s Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

⁴⁰“Public Assistance Performance Goals.” Federal Emergency Management Agency, accessed November 27, 2010. www.fema.gov/government/grant/pa/goals.shtm.

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APPENDIX 6: KEY FINDINGS AND RECOMMENDATION REFERENCE TABLES

Table 4: Key Finding 1 Recommendation Reference Table

<p>Key Finding 1: There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of program applicants for initial allocations of federal funds.</p> <p>Key Recommendation 1: The conceptual view of the PA Program as a reimbursement, after-the-fact program should change to better accommodate applicant requirements.</p>	
Corresponding Recommendations	PA Program Area Addressed
1. Reevaluate the debris removal procedures in the PA Program by clarifying both the rules of eligibility and the definition of a reasonable rate policy for debris removal efforts, addressing methods for expedited reimbursement, as well as methods for debris disposal.	Debris Removal
2. Consider employing the Increase Cost Approach (ICA) to expedite reimbursement for labor costs under emergency work (as defined in the Stafford Act).	Emergency Work Funding
3. Identify and address potential special considerations (e.g., environmental issues) as early as possible in the project formulation process.	Environmental and Historic Preservation
4. Give applicants the option of employing the “small project methodology” for all projects and employing contingency factors within the cost estimating factors (CEF) that decrease over time.	Project Development Methodology

Table 5: Key Finding 2 Recommendation Reference Table

<p>Key Finding 2: The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and perceived unfairness in many aspects of program implementation.</p> <p>Key Recommendation 2: The PA Program should become more objective in how it is implemented.</p>	
Corresponding Recommendations	PA Program Area Addressed
5. Develop and mandate the use of standardized materials that provide consistent guidance and apply PA Program standards across all levels of program involvement.	Program Guidance and Training
6. Evaluate the quality assurance/quality control (QA/QC) aspect of the PA Program by validating the metrics that the program currently uses to determine effectiveness. Once the metrics have been validated, train FEMA personnel on the process to ensure uniform compliance.	Quality Control/Quality Assurance
7. Employ web-based tools to improve and expedite the process in the execution of the PA Program.	Project Development and Tracking

8. Restructure the PA Program application process into a cohesive and iterative process that ensures consistent dissemination of information and repairs the disjointed relationship between the current application steps.	Grant Development Process
9. Transform the kick-off meeting into an interactive and iterative process that works with the project formulation step to arrive at a mutual understanding and agreement of a desired outcome.	Project Development Process
10. Require applicants to sign and submit a certification of accuracy statement with each grant application to ensure accuracy and a full understanding of submitted data and assertions.	Data Certification Requirement
11. Assess and validate current program deadlines for effectiveness and applicability. Consider modification and additions of application deadlines may be required.	Timeline Establishment
12. Expand the request for public assistance (RPA) into a two-step process initiated by the applicant prior to attendance at the applicant’s briefing. The expanded RPA should require more detailed applicant information including a section clearly explaining eligibility criteria, a justification of why the submitting entity meets those requirements, and a preliminary explanation of the damages incurred.	Eligibility Determination
13. Determine the original intent of the establishment of the Project Worksheet (PW) minimum dollar threshold and evaluate if current amount should be adjusted.	Re-evaluation of Minimum Value Threshold
14. Mandate the use of facility assessment support teams (FASTs) and uniform damage assessment checklists to make damage assessments less subjective.	Project Development Process
15. Employ alternative dispute resolution practices to reduce potential bottlenecks within the PA Program. These alternative processes may include the use of mediation and arbitration rather than formal appeals.	Appeals and Dispute Resolution

Table 6: Key Finding 3 Recommendation Reference Table

<p>Key Finding 3: The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable.</p> <p>Key Recommendation 3: FEMA should strive to achieve a consistent level of understanding concerning laws, rules and requirements of the PA Program amongst its staff. FEMA should more extensively educate PA Program applicants about the program’s processes and each party’s needs and expected outcomes.</p>	
Corresponding Recommendations	PA Program Area Addressed
16. Develop and implement a comprehensive professional development program to develop the knowledge, skills and abilities required of	Formal Credentialing Process

FEMA Public Assistance Program Analysis

FEMA staff within the PA Program.	
17. Develop pre-disaster applicant education intended to reduce misunderstandings during times of disaster recovery and restoration.	Applicant Education/Training
18. Redesign the applicant’s briefing by developing and mandating the use of a uniform template that has accompanying speaker notes concisely guiding the speaker through the presentation.	Applicant Education/Training
19. Develop timeframes for each programmatic step that clearly identify the advantages and disadvantages of completing the task within the allotted time period.	Timeline Establishment
20. Increase the current administrative allowance to adequately address the cost burden incurred by states and applicants.	Program/Project Administration

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APPENDIX 7: KEY FINDING 1 RECOMMENDATIONS

Unifying FEMA’s Program Vision and the Applicant Requests

The following recommendations address Key Finding 1: There is a discrepancy between the reimbursement process of the existing PA Program and the practical needs of program applicants for initial allocations of federal funds; and Key Recommendation 1: The conceptual view of the PA Program as a reimbursement, after-the-fact program should change to better accommodate applicant requirements.

1. **Reevaluate the debris removal procedures in the PA Program by clarifying the rules of eligibility and the definition of a reasonable rate policy for debris removal efforts, addressing methods for expedited reimbursement, as well as the methods of debris disposal.**

Background

The PA Program separates the types of work eligible for federal funding into specific categories, which are labeled A through G.

- Emergency Work
 - Category A work includes all debris removal work eligible for federal funding in accordance with sections 403 (a) (3) (A) and 407 of the Stafford Act and its implementing regulations.
 - Category B work is all emergency protective measures authorized in section 403 of the Stafford Act. For example, public safety work, firefighting, evacuation, and rescue efforts are generally considered eligible emergency protective measures and are reimbursable under category B.
- Permanent Work
 - Categories C through G cover the different types of eligible work associated with repairing and replacing damaged and destroyed infrastructure in accordance with 406.

Emergency work is performed and paid for by the PA Program applicants and their contractors based on the needs of the community in crisis. This work generally occurs in a time compressed environment without consideration for the rules of the PA Program. Nevertheless, reforms should be considered to those rules that result in undue administrative burden on the applicants, unreasonable delay in reimbursement, or substantial amounts of unreimbursed bona fide disaster related costs.

Permanent work requires advance deliberation, planning, financing, and administrative approvals. Conversely, emergency work is typically performed under much tighter time constraints. Emergency work can include opening roadways and waterways, preventing public health problems, and allowing rebuilding to begin. Reimbursement eligibility decisions are often made after the work has been performed.

Because of their differences, emergency and permanent work are treated separately in this report’s recommendations. Within the response and recovery industry there is a niche market, largely underwritten by the federal government that performs debris removal and monitoring services. Debris removal contractors pick up, haul, and dispose of debris or wreckage resulting from a major disaster. Monitoring firms oversee the removers to prevent waste, fraud, and abuse on behalf of the applicants. The cost of both functions—removal and monitoring—is eligible for FEMA reimbursement.

Recommendation Rationale

During this review effort, four separate areas of concern surfaced related to debris removal.

1. The eligibility rules for debris removal are complicated, difficult to implement, and at times inconsistently applied, leading to increased administrative costs and questionable unreimbursed expenses.
2. The determination of the reasonableness of debris removal contract rates after the terms have been established and the work has been performed can lead to unnecessary disputes.
3. The length of time between applicants incurring costs and receiving reimbursement can lead to problematic borrowing, which increases unreimbursed costs to applicants, spreads risk to private industry, and has the potential to artificially inflate rates.
4. Disposal issues related to recycling debris or putting it in landfills could be handled more efficiently.

The four sub-recommendations that follow address these concerns by expediting reimbursement decisions, increasing the predictability of those decisions, and encouraging potential future applicants to develop debris removal plans and enter into service contracts before disaster strikes.

Sub-Recommendation 1: Re-evaluate eligibility rules

The Stafford Act authorizes the President, “whenever he determines it to be in the public interest,” to do the following things:⁴¹

- (1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and
- (2) to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

By means of regulation and policy, several additional constraints have been placed on eligible debris removal activities to prevent waste and abuse and to draw clear lines of responsibility between individual property owners, municipal and state tax payers, and the federal government. In general, the following factors determine eligibility:

- The type of debris and its location
- How the debris arrived at its location
- The public interest in removing the debris
- The reasonableness of the labor rates charged by removers

⁴¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and related authorities. 2007.

Implementation of these rules in practice is time consuming, administratively burdensome, and hard for applicants to predict. Failure to comply with the rules for debris management results in non-reimbursement. FEMA should conduct a thorough review of its currently identifiable administrative costs, the cost of compliance placed on its applicants, begin collecting and tracking historic data, and consider making the applicant's force labor costs for debris monitoring 100 percent reimbursable.^{42,43}

FEMA should also take every step practicable to support two current assumptions: (1) that the eligibility rules allow for a sufficient amount of debris removal assistance consistent with the intent of the Stafford Act; and (2) that the rules are generally predictable and consistently enforced so that applicants and their contractors can make decisions with a reasonable degree of certainty on whether their work will be eligible for reimbursement.

Sub-Recommendation 2: Evaluate current reasonable rates policies

To be eligible for reimbursement under the PA Program, an item of reimbursable work must be removed at a reasonable cost. Reasonable cost is defined by the Office of Management and Budget (OMB) as a cost that in its nature and amount does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Considerations include evaluating historical costs for similar work, analyzing costs for similar work in the region, reviewing published unit cost data for the work, or comparing costs with the *FEMA Schedule of Equipment Rates* and cost codes.

The reasonable cost requirement has led to unnecessary disputes for various reasons. For example, marketing forces exist that could artificially inflate rates due to anticipated late payment. During the spike in demand that follows a disaster, the scarcity of available labor and materials in the area associated with emergency work can create challenging pricing conditions. In addition, the OMB definition of reasonable cost allows for multiple, alternate considerations which can lead to inconsistent enforcement. The City of Los Angeles had an existing policy regarding recycling prior to the Northridge earthquake in 1994. The existence of this plan prior to the disaster allowed the city to negotiate with FEMA concerning reimbursement for recycling activities that necessitated spending more than "least cost" estimates.⁴⁴ Inconsistent application of the reasonable cost standard by FEMA field staff also contributes to the number of disputes. Lastly, it must be acknowledged that some applicants do engage in questionable or improper procurement practices that lead to unreasonably high labor rates.

According to the *FEMA Debris Management Guide*, "communities with a debris management plan are better prepared to restore public services and ensure the public health and safety in the aftermath of a disaster, and they are better positioned to receive the full level of assistance available to them from FEMA

⁴² United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Debris Monitoring Guide*. FEMA 327. 2010.

⁴³ D. Hainje. *Understanding the FEMA Public Assistance Pilot Program*. 2009.

⁴⁴ State of California. Integrated Waste Management Board. *Integrated Waste Management Disaster Plan: Guidance for Local Government on Disaster Debris Management*. 1997.

and other participating entities.”⁴⁵ FEMA staff should consider providing an incentive to potential applicants to take proactive debris management planning steps.

Because there are several ways to justify determination of reasonable cost, FEMA should consider adopting an objective and consistent approach, such as an open competition standard, as its proxy for determining reasonableness; as well as developing and implementing alternative, federally pre-approved rates, based on the square yardage of debris removed, community-specific standard costs for debris removal using historical data adjusted for inflation.

Sub-Recommendation 3: Determine the best method for addressing delayed and borrowing costs

Debris removal activities have to start almost immediately after a disaster strikes. As a result, state and local governments frequently perform work and incur costs before any federal declaration and official participation. In disasters with costly debris removal requirements, state and local governments often cannot pay their workers or contractors until they receive federal reimbursement. Contractors and monitors are often cash-constrained and burdened with debt, sometimes carrying costly debt for six months to a year until grant applications are processed.

To compound the problem of slow payment, the U.S. government does not as a matter of policy consider borrowing costs eligible for reimbursement. As a result, many contractors receive late payments and are forced to cover borrowing costs out of their own pocket.

For contractors in this industry, the only options to offset their steep financing costs—especially in large scale disasters—are (1) price padding, and (2) gaining access to large lines of credit, which can be expensive or difficult to obtain for smaller companies.

Contractors routinely receive late payments because of the frantic post-disaster activity and the rules and policies that affect the handling and payment of invoices and reimbursements. These delays place undue burdens on small and mid-sized contractors. Anecdotal evidence suggests this might also increase the rates that large, well-capitalized debris removal companies charge to state and local governments (and ultimately to the federal government).⁴⁶ The contractors’ borrowing costs in the interim eat into contractor and sub-contractor profit margins, lead to unpleasant disputes with applicants, and ultimately to criticisms of the PA Program and FEMA.⁴⁷

The applicable federal laws, policies, and rules create two problems: time delay and uncertainty. Because of the complexity of the system, some debris removal work is deemed ineligible for federal reimbursement. When this happens, state or local governments must cover the difference, which in some cases requires them to raise capital or not pay their obligations. Contractors involved in smaller disasters

⁴⁵ United States Department of Homeland Security, Federal Emergency Management Agency. *Debris Management Guide*. FEMA 325. 2007.

⁴⁶ M. Mayer, et al. “Federalizing Disasters Weakens FEMA- and Hurts Americans Hit by Catastrophes,” Heritage Foundation, backgrounder, 2398, April 13, 2010.

⁴⁷ United States Senate Committee on Homeland Security and Government Affairs, Ad Hoc Subcommittee on Disaster Recovery. Statement of Perry “Jeff” Smith, Jr., Acting Director of the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness. July 10, 2007.

usually are paid in 60 days. Contractors involved in larger disasters may not receive payment for six months or one year.⁴⁸

FEMA currently offsets this problem by obligating 50 percent of estimated debris removal costs in an expedited manner, waiting to make final eligibility determinations until actual costs and monitor reconciliation can be completed.⁴⁹ In addition to this practice, FEMA should consider adding two steps:

- Simplifying eligibility standards to improve predictability and reduce administrative costs and process time.
- Making legitimate borrowing costs eligible for reimbursement.

Since local contractors are often the backbone of the local economy after a disaster, paying them in a timely fashion expedites community recovery and averts small business failures. The availability of funds will also encourage greater competition and reduce costs to the government by enabling smaller companies to compete for disaster contracts without padding their prices. Lastly, by addressing a loud constituent complaint in this arena, FEMA could lessen criticism and ultimately increase public confidence in the emergency management system.

Sub-Recommendation 4: Create more efficient disposal and recycling practices

In the aftermath of a disaster, landfill space becomes limited due to the abundance of debris. More and more, communities are turning to alternatives such as reuse and recycling to circumvent the issue.⁵⁰ During the PA Pilot Program study, FEMA incentivized recycling by allowing participating applicants to retain any proceeds from the recycling of eligible debris. However, due to the complexity of the issue, this provision was not well received by the applicants.⁵¹ FEMA should examine the constraints and complexities of implementing recycling programs and develop a means of simplifying and streamlining the process, thereby making it more appealing to the applicant.

FEMA staff should consider adding a debris management requirement to the cost-share planning incentive, as proposed above. Additionally, FEMA should encourage or facilitate local efforts to write a plan pre-identifying debris management sites; their ownership, size, and location; and environmental and historic preservation considerations when determining site design, management, and closure rules, among other requirements.

⁴⁸ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Testimony of Thomas M. “Mike” Womack, Mississippi Emergency Management Agency Director. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

⁴⁹ “Immediate Needs Funding.” Federal Emergency Management Agency, accessed December 10, 2010. www.fema.gov/government/grant/pa/re_funding.shtml.

⁵⁰ L. Luther. *Disaster Debris Removal After Hurricane Katrina: Status and Associated Issues*. Congressional Research Service, RL33477, 2008.

⁵¹ United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Public Assistance Pilot Program: Fiscal Year 2009 Report to Congress*. 2009.

2. Consider employing the Increase Cost Approach (ICA) to expedite reimbursement for labor costs under emergency work (as defined in the Stafford Act)

Background

The majority of labor costs associated with emergency work are reconciled on an actual basis. Actual labor costs are submitted by the applicant and reimbursed after an eligibility determination is made. Applicants must wait for FEMA to adjudicate and obligate costs prior to reimbursement.⁵² This can leave the applicant carrying the debt for large sums of eligible labor costs for an extended period of time. FEMA generally reconciles eligible overtime costs on an employee-by-employee basis, which compounds this issue. The result is often disagreement over employee-specific timesheets. To expedite funding to the applicants and reduce these disagreements, FEMA should consider wide-spread implementation of the ICA.

The ICA was developed in response to the magnitude of the applicants' emergency response efforts following the 9/11 attacks and the difficulty for applicants to document all emergency work activities and costs immediately following the event. This streamlined approach reimbursed selected applicants for emergency response overtime for category B activities (emergency protective measures) from September 11, 2001 to November 9, 2001.⁵³ FEMA recognized the ICA as a best practice in its '2002 Summary PA Peer Review' based on a detailed review of the ICA and its potential applicability to other disasters.⁵⁴

Using the principles of the ICA, applicants can be reimbursed for "overtime costs for a 30-day period, immediately following the disaster, and the net increase for the second 30 day period between the actual amount of overtime incurred and the estimated amount of overtime that the City would have incurred had it not been for the disaster."⁵⁵ Following the initial 30 day period, not all overtime qualifies for emergency work reimbursement. To qualify for using the ICA, the applicant must meet well-defined criteria and submit a letter certifying each criterion was fulfilled. These criteria included:⁵⁶

- The applicant must have failed to document all disaster-related activities during the weeks of 11 September to 09 October 2001
- The applicant must have a claim in excess of \$50,600
- The applicant's disaster-related activities eliminated immediate threats to health, life, or safety

⁵² United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Applicant Handbook*. FEMA P-323. 2010.

⁵³ United States Department of Homeland Security, Federal Emergency Management Agency. *Overview Incremental Cost Approach (ICA)*. FEMA-DR-1391-NY. 2002.

⁵⁴ United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Internal Use Only Working Paper: World Trade Center Federal Recovery Office FEMA Nine Eleven Innovations—Incremental Cost Approach, Overtime Labor*. 2004.

⁵⁵ Ibid.

⁵⁶ United States Department of Homeland Security, Federal Emergency Management Agency. *Overview Incremental Cost Approach (ICA)*. FEMA-DR-1391-NY. 2002.

- The applicant complied with pre-disaster compensation policy
- The post-disaster fringe rate was consistent and reasonable when compared to pre-disaster fringe rates
- The applicant’s entire department responded to the event, regardless of defined divisions or employee classification

Recommendation Rationale

The ICA was used in a very complex disaster response and proved to be successful. Advantages to implementing the ICA, including eliminating the need to review timesheets, providing expedited funding to the applicants, and limiting the number of disagreements over employee-specific timesheets. Furthermore, the use of ICA was previously approved by the Office of the Inspector General (OIG) specifically for the 9/11 disaster and therefore, a review for implementation should have few obstacles. The ICA was allowed to go forward under two assumptions set forth by the OIG. The first assumption stated that all overtime costs to the New York City Police and Fire Departments during the first three weeks post attack were allowable. The second stated that the incremental overtime (calculated as actual overtime less budgeted level) of the two departments during the fourth week post attack was also allowable.⁵⁷

3. Identify and address potential special considerations (e.g., environmental issues) as early as possible in the project formulation process

Background

A number of special considerations can affect a project at any point during the PA process, including environmental considerations, historical preservation considerations, insurance, and state and local statutory requirements not related to the Stafford Act. When these considerations exist and are brought forth after the PA process has been initiated, the impact can be significant. A special consideration can delay a project, complicate the implementation of previously agreed upon work, or force the applicant to restart the entire process. Currently, there is little or no consistency in the way special considerations are managed by FEMA staff.⁵⁸ Depending on the individual in charge, the applicant may be allowed to take responsibility for these issues or FEMA staff may decide to coordinate compliance with special consideration legislation. Non-compliance with the laws that govern special considerations can jeopardize an applicant’s funding.⁵⁹ Thus, special considerations can be a crucial component of a PA application process.

The special considerations most likely to impact a PA project are the following:

- **The National Environmental Policy Act (NEPA):** NEPA “requires federal agencies to integrate

⁵⁷ United States Department of Homeland Security, Federal Emergency Management Agency. *Office of Inspector General. Memorandum: Incremental Cost Approach for Funding Emergency Work*. 2001.

⁵⁸ United States Department of Homeland Security. Office of Inspector General. *Assessment of FEMA’s Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

⁵⁹ Ibid.

environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.”⁶⁰

- **The National Historic Preservation Act (NHPA):** NHPA governs federal, state, and local activities concerning areas of historic significance. The act requires “that all Federal agencies provide the Advisory Council on Historic Preservation . . . an opportunity to comment on any undertaking for which an agency has direct or indirect jurisdiction when the undertaking has an effect on a historic property listed on or eligible for listing on the National Register of Historic Places.”⁶¹
- **State and Local Legislation:** Each state and/or local region may have its own set of statutes governing construction, land use, zoning and urban growth. Applicants must comply with these statutes when rebuilding an area after an incident. Because the nature of these statutes varies from state to state, or region to region, they have the potential to significantly increase the burden on an applicant or may have little to no effect on the overall project.

As stated above, compliance with legislation that addresses insurance, environmental, and historical concerns is a critical component of the PA Program. Currently, applicants are not required to verify their understanding about the ramifications of non-compliance in writing. Additionally, no centralized list of all the federal, state, and local statutory obligations likely to impact a project currently exists. As a result, the likelihood of an applicant failing to fulfill an obligation based on unawareness is extremely high.

Recommendation Rationale

Identifying special consideration issues at the earliest possible point in the PA process would help reduce potential interruptions later in the lifecycle of a project. FEMA should develop a methodology for the special consideration reviews to ensure that each one is performed consistently. The methodology may include a formal timeline to the process and a triage process that ranks sites in order of importance.⁶² Additionally, this recommendation would increase FEMA’s overall understanding about the needs of the applicant and the project site.

Implementing this recommendation will require some flexibility, as the time and professional knowledge for determining the potential impact of special considerations will vary. Additionally, any efforts to

⁶⁰ “The National Environmental Policy Act (NEPA).” United States Environmental Protection Agency, accessed December 09, 2010. www.epa.gov/compliance/nepa/.

⁶¹ “National Historic Preservation Act.” United States National Park Service, Archeology Program, accessed December 09, 2010. www.nps.gov/history/archeology/tools/laws/NHPA.htm.

⁶² United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

perform special consideration reviews should take care to avoid duplicative efforts among involved parties, which have the potential to stall a project.⁶³

An on-line information center containing data on all PA Program-relevant legislation (federal, state, and local) would provide both FEMA staff and applicants with ready access to an authoritative source for identifying compliance requirements. This would ensure that each applicant knows the compliance requirements for their project at the beginning of the application process, which would reduce the likelihood of confusion during project close-out. Identifying a project's compliance requirements during the opening phases of the PA process would also shorten the audit process by FEMA staff during project close-out. The information center should include the following functions:

- A list of all PA Program-relevant legislation, regulations and program requirements (federal, state, and local)
- Contact information for the agency responsible for implementing a specific piece of legislation; these entities should be asked to validate this information due to the potential for frequent changes as part of the database development
- Search parameters that allow the user to input type of project and region and produce a unique list of requirements

In addition, a statement should also be added to the PA application forms verifying that the applicant has reviewed the compliance requirements and understands the ramifications of non-compliance with federal, state, and local legislation.

Adding this requirement to the application forms will help ensure that applicants are fully cognizant of his/her responsibilities. To implement a verification of understanding statement, the FEMA Office of Chief Counsel (OCC) must assess the feasibility of this recommendation as well as draft the most appropriate language.⁶⁴

4. Give applicants the option of employing the “small project methodology” for all projects and employing contingency factors within the cost estimating format (CEF) that decrease over time

Background

Under the current PA Program, small project funding is based on cost estimates, while large project funding is based on actual costs. Large projects have the option of using estimated costs for initial funding decisions, but these estimates are reconciled with actual costs during the closeout process. The current distinction between the small and large projects is based on a monetary threshold (FY2010 large project threshold is \$63,200) that determines how the project funding is obligated and subsequently

⁶³ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Testimony of Thomas M. “Mike” Womack, Mississippi Emergency Management Agency Director. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

⁶⁴ All forms that place an additional burden on the public are subjected to the *Paperwork Reduction Act*. This may or may not apply to this recommendation.

closed out. Figure 19 illustrates the current funding and close-out procedures using the small project methodology:

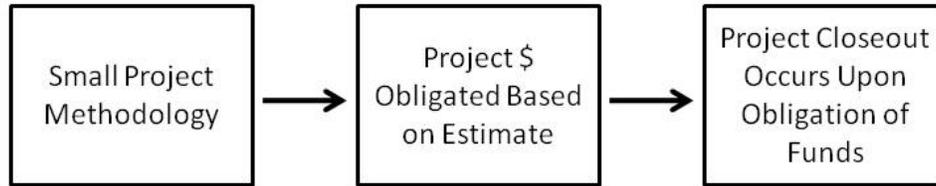


Figure 19: Current Small Project Funding and Closeout Procedures

Figure 20 illustrates the current funding and close out procedures using the large project methodology:

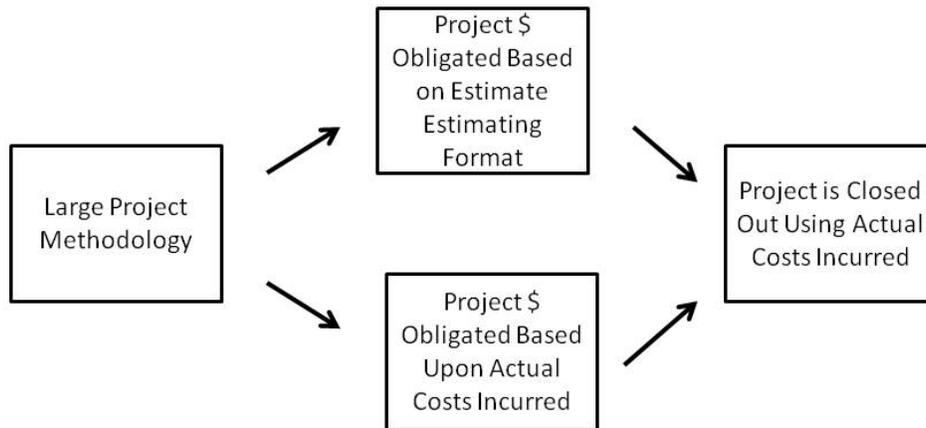


Figure 20: Current Large Project Funding and Closeout Procedures

The current approach negatively impacts program efficiency since there is little motivation for the applicant to accept estimate-based project funding for large projects expeditiously. This is because the project is still subject to close out procedures using actual costs incurred. The large project methodology is more efficient when it uses estimated costs up front. When funding is obligated later after the event, the price of materials and labor has often greatly increased and substantial administrative costs have been expended.

The CEF was part of a voluntary pilot program called the Grant Acceleration Program (GAP) used by FEMA during the recovery efforts for the Northridge earthquake. GAP was designed for the purpose of using the CEF to establish a fixed-cost estimate for each eligible project within the program. This cost estimate included factors such as contractor markup, architecture and engineering design, reserves for change orders, and owner management costs.⁶⁵

The program’s incentives allowing the applicant to retain and use under runs from projects, a known project budget, and less project oversight and involvement by FEMA. The goal of GAP was to make

⁶⁵ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

funds immediately available to the applicant in a one-time lump sum without potential to appeal for more funding. This allowed the applicant to make rapid recovery decisions without further tracking by FEMA.^{66,67,68}

Under normal large project procedures the applicant has no incentive to make cost-effective recovery decisions. Instead, there is a tendency to wait until all FEMA supplemental funding has been approved and received before work is initiated. The GAP provided the repair budget up front through the CEF, which if managed prudently allowed the applicant to realize prompt, cost-effective repairs with the potential to retain the under runs.^{69,70}

Under the GAP program at Northridge, 86 applicants (800 separate projects) accepted CEF-estimated offers. Follow-up interviews with those applicants indicate an overall satisfaction with the program. Upon closeout many project final costs were reconciled to be either equal to or under the CEF.^{71,72}

Estimate-based funding for a large project is established through the CEF. CEF provides a standardized template for the estimation of project costs and is designed to capture both direct and indirect costs. It was initially developed as part of the grant acceleration program (GAP) for use in the Northridge Earthquake recovery efforts for large complex building projects only.⁷³ The CEF has since been revised and is applicable to all categories of permanent work and all types of disasters.⁷⁴

⁶⁶ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

⁶⁷ C. Vitucci. "CSUN to Get \$63 Million for Quake Repair in FEMA Fast-Track Program," Los Angeles Times, 1997.

⁶⁸ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Testimony of Thomas M. "Mike" Womack, Mississippi Emergency Management Agency Director. "Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters." September 22, 2010.

⁶⁹ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

⁷⁰ R. Langenbach, T. Van Kirk. "Grant Acceleration Program (GAP): Background Presentation." Federal Emergency Management Agency. June 26-27, 2001.

⁷¹ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

⁷² R. Langenbach, T. Van Kirk. "Grant Acceleration Program (GAP): Background Presentation." Federal Emergency Management Agency, June 26-27, 2001.

⁷³ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

⁷⁴ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

The current structure of the CEF is separated into parts A through H. Part A costs are base construction costs only and preferably are derived from local cost-estimating resources and cost data. Part A is the key piece of the CEF puzzle and should be itemized as much as possible. Parts B through H are construction-related costs, which may or may not be included in part A. These costs include design and project management costs, general contractor overhead and profit fees, cost escalation due to inflation, cost contingencies, and other fees and permits. These figures reflect the estimator's confidence in the accuracy and completeness of part A. If part A is considered to be complete, parts B-H will essentially reflect zero additional costs. While the data used for part A is preferably collected from local resources, the information used to populate parts B-H is based on industry-standard source data, often referred to as FEMA source codes.^{75,76}

Parts C and E of the CEF are referred to as contingency factors. Part C accounts for construction cost contingencies, which are determined on the basis of the amount of design work completed at the time the estimate is prepared, the complexity of the project, and the degree of difficulty for site access and staging. Part E accounts for cost escalation over the duration of the project and is based upon an inflation adjustment from the time the estimate is prepared until the mid-point of construction for the eligible scope of work.⁷⁷

Recommendation Rationale

There should be an option to use the small project methodology and corresponding close-out procedures for projects of all monetary values and sizes. The applicant would have the option of selecting funding based on estimated or actual costs (as is the case currently); but the close-out procedures would correspond to the chosen methodology.

The over-runs or under-runs resulting from the use of the small project methodology must be addressed. If the applicant elects to pursue over-runs after the small project methodology was employed, the entire project should revert to reconciliation using actual costs and be subject to the corresponding close-out procedures. However, if applicants realize under-runs at project completion, they should be permitted to keep these funds in amounts up to 10 percent. Figure 21 represents the newly proposed process for all projects.

⁷⁵ J.D. Duffer. *Cost Estimating Format (CEF) for Large Projects*. Federal Emergency Management Agency, June 26-27, 2001.

⁷⁶ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

⁷⁷ J.D. Duffer. *Cost Estimating Format (CEF) for Large Projects*. Federal Emergency Management Agency, June 26-27, 2001.

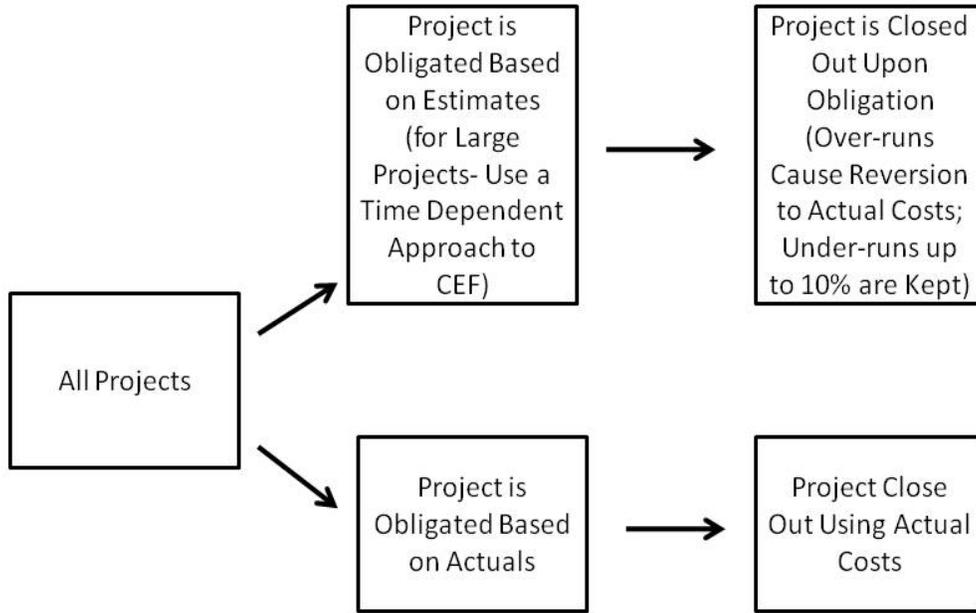


Figure 21: Proposed Funding and Closeout Procedures for All Projects

The use of contingency factors (contained within the CEF) should be adjusted when providing estimate-based funding for a large project. FEMA should explore the possibility of implementing a time-dependent approach to using contingency factors. The concept would allow applicants, if they can accept the cost estimate at the earliest date (determined by FEMA), the highest possible contingency factors (parts C and E). As time progresses, however, FEMA should continue to reduce the amount of the applied contingency factors until eventually they are removed entirely. At the point when the contingency factors are removed, the applicant should be provided estimate-based funding and the project should be closed out.

Using the small project methodology in all projects and adjusting the use of the CEF has several advantages, including: a decreased timeframe from declaration to obligation, applicant awareness of the project budget (including FEMA’s portion), motivation for the applicant to efficiently manage project costs (under-runs can be retained up to 10 percent), and flexibility by the applicant to use funding (under-runs may be used on mitigation and code upgrades). Further, this approach has the potential to significantly lessen the administrative burden, both on the state and FEMA in the management of these funds and assist in overcoming disputes regarding eligible work.

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APPENDIX 8: KEY FINDING 2 RECOMMENDATIONS

Resolving the Subjective and Inconsistent Application of the PA Program

The following recommendations address Key Finding 2: The subjective nature of the PA Program authorities has led to inconsistency, unpredictability, and perceived unfairness in many aspects of program implementation; and Key Recommendation 2: The PA Program should become more objective in how it is implemented.

5. Develop and mandate the use of standardized materials providing consistent guidance and apply PA Program standards across all levels of program involvement

Background

While most state offices of emergency management have an applicant's briefing presentation posted on their websites, the briefings vary widely in their content and depth of explanation of the PA Program. This lack of guidance often leads to inconsistencies both in applicant education and program implementation. To date, FEMA has issued limited guidance for the development of pre-designed or template materials for field staff and state officials to use in the education of the potential applicants.

Recommendation Rationale

The FEMA website should provide a set of template materials for use by FEMA staff and state officials.⁷⁸ These materials should provide consistent guidance to the applicant regardless of disaster type or program experience level of all involved parties. At a minimum, the following materials should be developed and used uniformly:

- A re-designed uniform applicant's briefing
- An applicant workbook
- Kickoff meeting material
- Disaster assessment checklists

6. Evaluate the quality assurance/quality control (QA/QC) aspect of the PA Program by validating the metrics that the program currently uses to determine effectiveness. Once the metrics have been validated, train FEMA personnel on the process to ensure uniform compliance

⁷⁸ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. "Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters." September 22, 2010.

Background

Many government programs use (QA/QC) processes. Some are internally developed while others use an industry accepted formal process. Some federal programs also require contract recipients to utilize a QA/QC process when developing products or carrying out services. Quality management standards address the needs of organizations in training, quality auditing, and quality management systems. The following are industry-accepted standards that may work for the PA Program:

- **ISO 9000: Quality Management Systems**⁷⁹ - The ISO 9000 series (issued by the International Organization for Standardization) is one of the most well-known and widely used international standards for quality management and quality assurance. This family of standards was developed to assist organizations of all sizes and types implement and operate effective quality management systems (products and businesses processes). ISO 9000 describes the fundamental of quality management and specifies terminology. The other standards in this family include ISO 9001, 9004, and 19011.
- **Plan-Do-Check-Act (PDCA)**⁸⁰ - This is a four-stage cycle that allows a user to go from “problem faced” to “problem solved.” All phases incorporate activities for continuous improvement to refine the scope to which the PDCA is applied.
- **Capability Maturity Model Integration (CMMI)**⁸¹ - An approach to help organizations develop effective processes to improve performance. CMMI can be used to guide process and improvement across a project, division, or organization.

The PA Program developed a QA/QC program in 2008, which was intended to “provide a consistent method of measuring quality and performance across the program.”⁸²

The QA/QC program seems to follow the PDCA model. However, there is no clear delineation between QA activities and QC activities, and the metrics do not seem to tie directly to any specific high-level program mission, goals, or objectives. The metrics seem to be very specific to the processes undertaken after a disaster, rather than to the program as a whole.

Additionally, the performance metrics have not been tested for validity, which further limits FEMA’s overall understanding of their effectiveness. By nature, metrics must be connected to a measurable outcome. Without this function, a metric is rendered ineffective. The data gathered from the QA/QC plan to date have been plentiful, yet the metrics’ applicability remains ambiguous due to a lack of connection between the data and measurable outcomes.

⁷⁹ “Quality Management Principles.” International Organization for Standardization, accessed March 01, 2011. www.iso.org/iso/iso9000-14000/understand/qmp.html.

⁸⁰ “Environmental Management Systems. Plan-Do-Check-Act Model.” United States Environmental protection Agency, accessed March 01, 2011. www.epa.gov/ems/info/do.htm

⁸¹ “CMMI.” Carnegie Mellon, Software Engineering Institute, accessed March 01, 2011. www.sei.cmu.edu/cmmi.

⁸² United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Quality Assurance/Quality Control Plan*. FEMA 353. 2000.

Further, regional personnel have placed arbitrary quality “metrics” on the program. These measures are subjective and only measure individual components of the PA process, particularly during project formulation. Regionally-set metrics that are not in line with the QA/QC plan can potentially decrease the efficiency of the PA process. For example, one of the metrics often used in the field is the number of project worksheets that are processed. This is not connected to desired outcomes and therefore, does not increase program efficiency. In addition, it could decrease applicant satisfaction with the process.

The creation of local arbitrary “metrics” could be attributed to a lack of adequate training for FEMA staff on the QA/QC process.

Recommendation Rationale

Below are general recommendations for improving The PA Program’s QA/QC plan:

- Consider a total quality management (TQM) process for the PA Program. This would include elements of quality planning, quality assurance, quality control, and quality improvement (similar to the processes used by the Department of Energy -DOE^{83,84}). The TQM can take the elements of the current QA/QC plan and put it into a more methodologically-sound and rigorous framework for quality improvement. The QA/QC plan would be an element of the overall TQM process. This will help ensure:
 - A quality process for the entire PA Program: internal (i.e., Program Office), external (i.e., regional efforts), and project lifecycle (i.e., the specific PA grant activities conducted after an incident). Currently, the QA/QC metrics focus mainly on the activities undertaken after a declared disaster.
 - Direct link to the PA Program overall mission, goals, and objectives.
 - Direct link to the overall desired outcomes of the program at all levels.
- Develop clear quality principles (e.g., DOE quality principles) that can guide the overall PA quality process. This would help show the relevancy of performance metrics and how they contribute to the success and improvement of the whole PA Program.
- Consider utilizing a consensus standard (e.g., ISO 9001) as a framework or guidance document when developing the TQM process or QA/QC processes. If the PA Program utilizes an industry standard, it will likely require an overhaul of the current plan, but can still use elements from it.
- Differentiate between the QA process and what QC activities will be used to validate that process:
 - QA shows the planned actions (programmatic) that are necessary to provide adequate confidence or a performance guarantee that a product will perform satisfactorily.

⁸³ “Nuclear Safety, Quality Assurance and Environment.” United States Department of Energy, accessed March 01, 2011. www.hss.doe.gov/nuclearsafety/.

⁸⁴ “Underlying Quality Principles.” United States Department of Energy, accessed March 01, 2011. www.hss.doe.gov/nuclearsafety/qa/principles.html.

- QC verifies that items or activities adhere to specified requirements.
- Consider review of the United States Department of Agriculture, Food and Nutrition Service (USDA FNS) and United States Health and Human Services, Centers for Medicare and Medicaid Services (HHS CMS) models. These QA programs encourage state/regional offices to stand up a quality assurance division using standardized federal guidance. These divisions then collect data and submit them to the federal office. The federal program office would be responsible for gathering all data, ensuring that regional QA/QC processes use standardized metrics, conducting audits, evaluating data and developing an overall program improvement plan.
 - This allows for some flexibility in the QA/QC process with shared responsibilities across all levels. However, it does not allow the development of non-standardized performance measures at the regional levels. In this model, the federal program office would work with the regions to develop a set of common metrics that can be measured consistently. Having standard data from all disasters that can then be easily analyzed would contribute to a program improvement process.
- Develop a comprehensive implementation and training plan. This should be part of the overarching program TQM process to ensure that as improvements are made to the program, there is a clear communication and notification path between regional and federal program staff.

Validating the current metrics will help determine their effectiveness, and allow the PA Program to determine which should be maintained. This will also help identify the applicability and quality of each of the current metrics. Additionally, a validation process will ensure each metric measures an outcome. Validation process should be ongoing to ensure continued compliance with the metrics.

To prevent the creation of local arbitrary “metrics,” FEMA staff should receive training on the QA/QC process and its performance metrics. Training should include:

- The intent of the metrics (i.e., what is the metric intended to measure?)
- Metric consistency (i.e., each region should consistently implement the same metrics)
- Relationship between internal metrics and applicant timelines (i.e., the role of applicants in FEMA’s ability to effectively implement the metrics)
- The role of the metrics in the overall PA process
- Adherence to the metrics

To implement this recommendation, training should be developed for use in all regions on the QA/QC process.

This study did not develop actual metrics. Such an effort would represent a proof of concept, which is outside the scope of the project.

7. Employ web-based tools to improve and expedite the process in the execution of the PA Program

Background

On 1 July 2008, FEMA deployed the Emergency Management Mission Integrated Environment (EMMIE) which uses the capabilities of the National Emergency Management Information System

(NEMIS) for all newly declared disasters. EMMIE is a component of the federal government's eGovernment enterprise.^{85,86} The EMMIE PA suite is designed to streamline the grant process from end-to-end. EMMIE is touted as enhancing customer service by providing states and applicants an online tool to initiate RPAs, apply for grants, track the status of projects, establish accounts and obligate grant funds, and manage each grant throughout its lifecycle.^{87,88,89} However, this capability is often unused or underutilized by applicants as they seem to prefer to navigate the grant process through the state and/or FEMA offices. If FEMA would like to see broader use of EMMIE, it should deploy technical and administrative resources to the field to work directly with the applicant.

The laborious application and formulation process in the field often hinders the applicant's ability to provide timely information and feedback about current status. Additionally, internal FEMA program management potential is constrained by a lack of current information on applications and applicants. Technology should be used and encouraged to support centralized processing and improve transparency and efficient decision making. While the relationship between applicant, state, and FEMA is complicated it does not necessarily mean that centralizing processing through a web-based tool is unachievable. FEMA should consider widening the scope of EMMIE, or developing a web-based solution that incorporates centralized processing where practicable.

Recommendation Rationale

Any web-based solution should use an architecture that mirrors the PA process and work-flow. For instance, it should begin with a web-based application that provides applicants with electronic means for gathering required information and data. Paper processes and technical assistance should still be available but electronic submission should be encouraged as a more expedient alternative (especially if the system allows data to auto-populate in subsequent applications. The technology should provide a capability to create, develop, and track project worksheets. If a project is approved by FEMA, the technology should facilitate immediate obligation of funds. It should also provide a digital award document that includes the state's signature of acceptance. If FEMA rejects the project, the technology should redirect the application to field staff for further examination and provide applicants a means to appeal.

⁸⁵ "FEMA Public Assistance Grant Program EMMIE- Emergency Management Mission Integrated Environment." State of Kentucky Division of Emergency Management, accessed March 03, 2011. <http://kyem.ky.gov/assistance/emmie.htm>.

⁸⁶ "EMMIE (Emergency Management Mission Integrated Environment)." REI Systems, Inc, accessed March 03, 2011. www.reisys.com/customers/emmie.do.

⁸⁷ "FEMA Public Assistance Grant Program EMMIE- Emergency Management Mission Integrated Environment." State of Kentucky Division of Emergency Management, accessed March 03, 2011. <http://kyem.ky.gov/assistance/emmie.htm>.

⁸⁸ "EMMIE (Emergency Management Mission Integrated Environment)." REI Systems, Inc, accessed March 30, 2011. www.reisys.com/customers/emmie.do.

⁸⁹ United States, Government Accountability Office. *Disaster Recovery: FEMA'S Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding*. GAO-09-129. 2008.

8. Restructure the PA Program application process into a cohesive and iterative process that ensures consistent dissemination of information and repairs the disjointed relationship between the current application steps

Background

The PA Program’s current application process lacks a formal step-by-step grant application process that can be easily conveyed to program applicants. As currently designed, PA applicants must complete a series of three separate steps that make up the program’s application process:

- Submission of request
- Kick-off meeting
- Project formulation

Although these three steps constitute a grant application process, they are not currently treated as such and are not presented to the applicant in this manner. Rather, they are presented and implemented as separate and disjointed steps. This approach can fail to address important issues and result in a delayed, arduous, and unclear process for the applicant.⁹⁰

Recommendation Rationale

The PA Program’s application process is the first substantive interaction between FEMA, the state, and the applicant. As such, the application process is critical in setting the tone for the relationship among all relevant parties throughout the recovery process. A more formal application process will help guarantee the greatest possible level of applicant understanding by ensuring the most consistent information dissemination. The PA Program’s application process can be improved by restructuring the current application components into a cohesive and iterative process. A restructured process should use visual and narrative aids to depict the three current steps as part of a single process. For example, the kick-off meetings and project formulation should be redesigned to exist in an iterative process. Using an iterative process will allow the applicant to better understand the PA Program from start to finish.

This recommendation does not require any change in existing process steps, but rather is focused on strengthening and defining the grant application steps in a full process illustration and accompanying narrative that can be used in all FEMA materials. The newly proposed illustration of the PA grant application process is shown in figure 22.

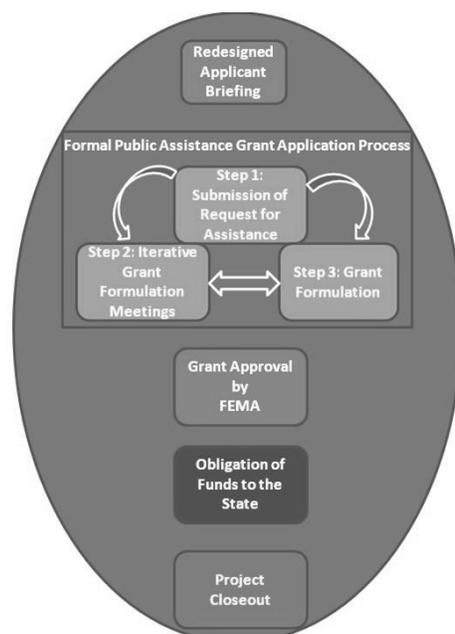


Figure 22: Proposed Structure of the Formal Grant Application Process

⁹⁰ “Submission of Request for Public Assistance by Applicant.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_request.shtm.

9. Transform the kick-off meeting into an interactive and iterative process that works with the project formulation step to help arrive at a mutual understanding and agreement of a desired outcome

Background

Applicants who are unfamiliar with the PA Program may not accurately understand how the program can help them, how their project timelines will progress, or the eventual outcome. Inflated expectations may potentially impact how well an applicant works with the state and FEMA as well as the applicant's overall level of satisfaction with the process.⁹¹ Although the recommended uniform applicant's briefing will provide a fundamental program understanding, the current kick-off meeting (step 2 of the grant application process) represents the first meeting between the applicant, the FEMA public assistance coordinator (PAC) and the state's applicant liaison. The purpose of this meeting is to assess the applicants' individual needs, discuss disaster related damage, and determine a plan of action for repair of the affected facilities. Also during this meeting, the PAC and liaison help identify any potential special considerations such as environmental or historic preservation issues.⁹²

Recommendation Rationale

The kick-off meeting needs to be transformed from the singular meeting approach that is currently employed to an interactive and iterative process with the project formulation phase of the grant application. During this unified process, FEMA, the state, and the applicant can arrive at a mutual understanding and agreement of the desired final result and acceptable project worksheets. FEMA should continue to build the PA Program knowledge base of the applicant (initiated at the applicant's briefing) with a specific focus on eligible costs and additional types of aid offered by other federal and state agencies that may cover aspects of recovery the PA Program cannot.⁹³ FEMA needs to assist the applicant in understanding that the PA Program is a single grant program and there are other federal programs available to assist them in the recovery process.

FEMA should encourage applicants to define their project expectations up front. Currently, this is not necessarily done and the result is that applicants are sometimes not as forthcoming as possible. This can create frustration and conflict among all parties involved. Requesting that applicants define and share their expectations about the project and their envisioned final results with FEMA will give federal representatives a better ability to manage applicant expectations and demonstrate the benefits and limitations of the PA Program.

The initial meetings should be focused on several objectives: (1) facilitate a dynamic partnership among the applicant, FEMA, and the state; (2) understand the applicant's vision of the final results of the restoration of the facility (e.g., does the applicant desire to repair, replace or reconstruct the affected

⁹¹ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

⁹² "Kick-off Meeting With Public Assistance Coordinator (PAC)." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_kickoff.shtm.

⁹³ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

facility); and (3) educate the applicant about what the PA Program can do to help achieve his/her ultimate vision of recovery (this may also include a discussion of other state and federal programs that may aid in achieving the desired outcome).

An expanded version of the standardized materials employed during the redesigned applicant's briefing could be used to ensure that all applicants receive the same information. During the kick-off meeting, all parties will review the materials a second time so as to avoid confusion and contradiction and clear up any potential misunderstandings. The materials for this meeting should include:

- The standard PowerPoint presentation given during the applicant's briefing
- An in-depth explanation of the workbook that was distributed during the applicant's briefing. Workbook will contain:
 - A copy of the applicant's briefing
 - A visual representation of the overall PA process
 - List of eligibility requirements for participation in program
 - Copies of each PA Program form with accompanying instructions
 - List of eligibility and category definitions for types of work
 - Complete list of PA Program information resource references (e.g., *FEMA Public Assistance Applicant Handbook* and *FEMA Public Assistance Guide*)
 - List of state and region-specific points of contact
- A list of other federal programs and agencies who may be able to assist the applicant in their recovery
 - Types of aid offered/ covered by each program
 - Points of contact
- List of important FEMA and state points of contact
- Materials and checklists for important discussion topics
 - Damage assessment
 - Eligibility of work required/desired
 - Special considerations
 - Improved projects
 - Definitions of deferred maintenance/repair/rebuild
 - Cost estimation
 - Process/project timelines and milestones
- Checklist of information required to formulate the project worksheet

By clearly establishing the expectations of the applicant at the beginning of the process, FEMA will be able to eliminate confusion and accomplish objectives:

- The subjective evaluation of the process will more closely mirror the success of the program.
- Relationships among the applicant, the state, and FEMA will become less adversarial and more Cooperative with shared visions and goals.
- Setbacks resulting from special consideration issues will be reduced.
- The applicant will be better prepared to develop a successful recovery plan with realistic expectations.
- Projects may be funded and completed in a timelier manner.

Finally, a key aspect of building strong relationships with applicants will be ensuring that they are deeply involved in every aspect of the project development, from definition of scope of work to PW formulation to cost estimation. This will ensure that everyone continues to have a strong and clear understanding of the scope of work and that this vision remains consistent the process.⁹⁴

10. Require applicants to sign and submit a certification of accuracy statement with each grant application to ensure accuracy and a full understanding of submitted data and assertions

Background

Under the current PA process, the applicant is not required to provide certification that the data and assertions being presented to FEMA are accurate and timely to the best of the applicant's knowledge. This process runs counter to overall applicant accountability for materials and requests submitted and fails to convey the importance of data accuracy when requesting federal funds.

Recommendation Rationale

Requiring applicants to certify the accuracy of their data and assertions, under threat of penalty, would help ensure that applicants understand the need for accuracy and exhibit the ownership of submitted data. Further, a certification of accuracy will increase FEMA's confidence in data submissions and assertions, leading to faster acceptance of applicant information and potentially expedited funding.⁹⁵

Some FEMA programs that already require an information verification process include:

- The FEMA Individual and Households Program provides money and services to people in a disaster area when losses are not covered by insurance and property has been damaged or destroyed. Payments are made only after an inspector (FEMA contractor) validates the registrant's identity, verifies occupancy of the property, and resolves any issues with the online application.⁹⁶

⁹⁴ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

⁹⁵ United States Department of Homeland Security. Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

⁹⁶ United States Department of Homeland Security, Federal Emergency Management Agency. *Help After A Disaster. Applicant's Guide to the Individual and Households Program*. FEMA 545. 2008.

- FEMA’s Community Disaster Loan Program provides funds to any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue. The jurisdiction must demonstrate a need for financial assistance to perform its governmental functions. When incremental disbursements are requested, the local government is required to submit a copy of its most recent financial report so FEMA may determine whether the level and frequency of periodic payments continue to be justified.⁹⁷
- The Department of Labor oversees Disaster Unemployment Assistance (DUA) and coordinates with FEMA, which provides the funds to the state unemployment insurance agencies for payment of DUA benefits and state administration under agreements with the Secretary of Labor. The program provides unemployment benefits and re-employment services to individuals who have become unemployed because of major disasters. Applicants must provide proof to the state unemployment insurance agency that they were working or self-employed at the time of the disaster; or scheduled to work on or after the date of the disaster.⁹⁸
- The FEMA Hazard Mitigation Grant Program provides grants to state and local governments to implement long-term hazard mitigation measures after a major disaster declaration. Applicants certify that they have evaluated the activities included in each sub-application and that activities will be implemented in accordance with 44 CFR Part 13 and other applicable program or activity type requirements.⁹⁹

Since any certification of accuracy statement should be considered trustworthy and enforceable, the requirement should include a stipulation that the certification come from an individual in a position of authority (such as a CAO/CEO).

To implement a certification of accuracy statement, the FEMA Office of Chief Counsel (OCC) must assess the feasibility of this recommendation and draft the most appropriate language.¹⁰⁰

11. Assess and validate current program deadlines for effectiveness and applicability. Consider modification and additions of application deadlines may be required.

Background

Setting a deadline for the completion of each process step will help ensure that the program moves forward in a timely manner. There are currently two deadlines for PA Program applicants stated on the PA Program website. Applicants are required to submit their request for public assistance within 30 days

⁹⁷ “Community Disaster Loan Program.” Federal Emergency Management Agency, accessed March 01, 2011. www.fema.gov/government/grant/fs_cdl.shtm.

⁹⁸ “Disaster Unemployment Assistance (DUA).” United States Department of Labor, accessed March 01, 2011. <http://workforcesecurity.doleta.gov/unemploy/disaster.asp>.

⁹⁹ “Hazard Mitigation Grant Program (HGMP).” Federal Emergency Management Agency, accessed March 01, 2011. www.fema.gov/government/grant/hmgp/index.shtm.

¹⁰⁰ All forms that place an additional burden on the public are subjected to the Paperwork Reduction Act. This may or may not apply to this recommendation.

from the date of a disaster declaration.¹⁰¹ Additionally, applicants must submit any appeals within 60 days from the receipt of notice of rejection.¹⁰² Except for these two deadlines, the remaining guidance on timing is ambiguous. For example, the applicant’s briefing is only required to be “held as soon as practicable following the President’s declaration.”¹⁰³

None of the current PA Program deadlines are tied to any statutory or regulatory requirements. These deadlines may not necessarily reflect the time frames necessary for applicants to complete their responsibilities. Additionally, several key steps and phases in the PA process currently lack definitive deadlines for either starting or completion: including submission of applicant documentation, the applicant’s briefing, the kick-off meeting, submission of actual or estimates of cost, the time allotted for revisions and amendments, project completion, and closeout.

Recommendation Rationale

It is important to determine whether the setting of deadlines is conducive to an efficient process. Assessing and validating deadlines will allow the PA Program to determine the effectiveness and applicability of those deadlines and identify gaps or modifications that need to be made. The potential for adding new deadlines that would expedite the process needs to be examined. For example, deadlines that encourage applicants to choose between estimated- and actual-cost based requests could help alleviate obstacles later in the process. Addressing the needs identified by this assessment should ensure a more user-friendly and streamlined PA Program.

12. Expand the request for public assistance (RPA) into a two-step process initiated by the applicant prior to attendance at the applicant’s briefing. The expanded RPA should require more detailed applicant information including a section clearly explaining eligibility criteria, a justification of why the submitting entity meets those requirements, and a preliminary explanation of the damages.

Background

The RPA form (FEMA form 90-49), formerly referred to as the Notice of Interest represents the applicant’s official application for disaster assistance under the PA Program.^{104,105} The form currently asks the applicant for a minimal amount of general information such as identity, location of affected facility, and point of contact. The RPA must be submitted to the state within 30 days of the disaster

¹⁰¹ “Submission of Request for Public Assistance by Applicant.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_request.shtm.

¹⁰² “Appeals and Closeout.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_appeals.shtm.

¹⁰³ “Applicants' Briefing by Grantee.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_briefing.shtm.

¹⁰⁴ “Resource Record Details: Request for Public Assistance- Form 90-94.” Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/library/viewRecord.do?id=2658.

¹⁰⁵ “Disaster Assistance: Redesign of Public Assistance Program Administration.” Federal Register vol.64(no.196), October 12, 1999.

declaration.¹⁰⁶ This form is then used by FEMA to assess the eligibility of the applicant for the PA Program.

Recommendation Rationale

The RPA form should be expanded and become a two-step process: (1) eligibility determination, and (2) preliminary damage report. Ideally, the first step would be initiated by the potential applicant prior to the applicant's briefing. The proposed process will require the potential applicant to provide more upfront information. The new form should include a section clearly outlining applicant eligibility criteria followed by a request for justification. This will place the onus of demonstrating eligibility on the applicant and require FEMA to merely verify the information. By requiring the applicant to provide clear justification of their eligibility status, FEMA will be able to prevent misunderstandings.

To implement a change to the RPA, the FEMA Office of Chief Counsel (OCC) must assess the feasibility of this recommendation as well as ensure the most appropriate language is used.¹⁰⁷ This form would also become web-based (see recommendation # 7).

Once eligibility has been assessed via the online RPA, an expanded information packet will be sent to the applicant. This packet will prompt the applicants to begin gathering additional disaster and damage specific information pertaining to their facilities. This is will start building the applicants' "case files" for the PA Program. Requiring the applicant to begin gathering facility damage assessment information prior to the applicant's briefing will aid in making the material presented at the meeting directly pertinent to the applicant's specific case.

13. Determine the original intent of the establishment of the project worksheet (PW) minimum dollar threshold and evaluate if current amount should be adjusted

Background

A PW is the document used in the PA process to identify the scope of work and the cost estimate for each project. FEMA obligates over 40,000 project worksheets annually for major disasters with an average of over 700 obligated per disaster.¹⁰⁸ As shown in Figure 23, 86.2 percent, of PWs are obligated for small projects, which only accounts for a total of 8.2 percent of the funding obligated.

¹⁰⁶ "Submission of Request for Assistance by Applicant." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/pr_request.shtm.

¹⁰⁷ All forms that place an additional burden on the public are subjected to the Paperwork Reduction Act. This may or may not apply to this recommendation.

¹⁰⁸ "Number of Project Worksheets Obligated." Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/government/grant/pa/stat4.shtm.

Percent of Small/Large Project Worksheets Obligated

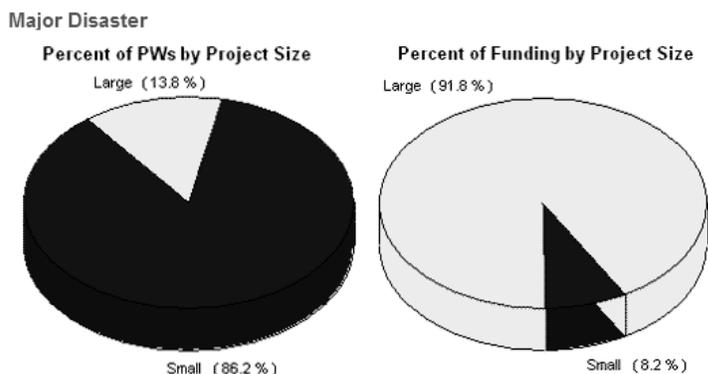


Figure 23: Percent of Project Worksheets Obligated¹⁰⁹

Currently, a PW cannot be used unless the cost estimate for the project is at least \$1,000.¹¹⁰ It is unclear why the current threshold was set. It may be reasonable to conclude that given the high number of PWs that are processed for small projects (which only account for less than 10 percent of the total funds allocated) this was a measure instituted to decrease program administrative costs and increase cost efficiency. A 1998 pilot study performed during a declared disaster in Kentucky tested the functionality of the newly re-designed PA Program. Results indicated that the above conclusion may indeed be correct. Of the 422 total projects developed after the declaration, 403 projects, or 95 percent fell below the small project threshold. This resulted in FEMA realizing significant administrative cost savings and expedited obligation of funds since FEMA and state officials were not required to develop the PWs.¹¹¹ However, if this conclusion is inaccurate then the arbitrary monetary threshold placed on a PW may need to be reconsidered entirely. If this assumption is correct, the monetary threshold needs to be evaluated to see if it should be increased to maintain efficiency, and there needs to be a regular recurring review of this threshold to ensure it is keeping pace with inflation.

Recommendation Rationale

The original decision to institute the \$1,000 threshold needs to be evaluated to determine if this was an effort to increase program efficiency through administrative cost saving measures. The administrative costs associated with processing a single PW are needed to validate this recommendation and determine what the most reasonable threshold should be.

On a larger scale, it may be advantageous to widen the scope of administrative efficiency measures to examine not just a singular PW threshold, but to establish a threshold for an individual applicant.

¹⁰⁹ Ibid.

¹¹⁰ “Disaster Assistance: Redesign of Public Assistance Program Administration.” Federal Register, vol.64(no.196), October 12, 1999.

¹¹¹ United States Senate. Committee on Environment and Public Works. Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety. Testimony of James L. Witt, Director, Federal Emergency Management Agency. July 23, 1998.

Applicants may have several PWs of varying amounts; therefore it is not enough to place a threshold on a single PW. FEMA needs to be able to assess efficiency for applicants submitting multiple PWs, while encouraging applicants to group together projects.

14. Mandate the use of facility assessment support teams (FASTs) and uniform damage assessment checklists to make damage assessments less subjective

Background

Damage assessments and related costs are some of the most frequent points of contention. In such cases, the applicant may perceive that FEMA staff lack the appropriate expertise to provide an objective damage assessment of the applicant's facility. Another issue is that FEMA is sometimes perceived to be unduly concerned with cost savings rather than identifying all damage and eligible repairs and therefore cannot be objective during this process.

Recommendation Rationale

To remove the subjective nature of the damage assessment, FEMA should consider using facility assessment support teams (FASTs) and detailed damage assessment checklists. In the past, FEMA has often employed a team approach to documenting disaster damages, developing scopes of work and estimating project costs by working with specialists with the technical expertise to identify the project issues and propose methods to address them.¹¹² FEMA has utilized voluntary technical teams such as FASTs (formerly known as building assessment teams or BATs) in several disasters, including the Northridge earthquake (1994), the Nisqually earthquake (2001), hurricanes in Florida in 2004, and hurricanes Katrina and Rita (2005).¹¹³ The use of multidisciplinary BATs after the Nisqually earthquake helped propel the recovery process and applicants were generally encouraged by the quality of the damage estimates conducted on their affected facilities.¹¹⁴ The concept of FASTs is built upon the past success of the use of BATs.

Like BATs, FASTs are able to focus limited technical expertise resources to the projects that are best suited to the use of their skill set. FASTs are particularly useful in applying technical depth to complex projects as well as speed and consistency to multiple, similar projects. Historical evidence indicates that the early identification of the need for a BAT/FAST team can help expedite PW approvals.¹¹⁵ FASTs can help FEMA and the applicant reach consensus regarding eligible public assistance damages. Ideally, these multidisciplinary teams are comprised of the persons with the required technical skills and expertise best

¹¹² United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Internal Use Only Working Paper: Facility Assessment Support Teams*. 2009.

¹¹³ Stanford University, Emergency Preparedness Plans and Building Assessment Team Program. *Earthquake Preparedness and Building Assessment Team (BAT) Response*. 2006.

¹¹⁴ United States Department of Homeland Security, Federal Emergency Management Agency. "summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

¹¹⁵ United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Internal Use Only Working Paper: Facility Assessment Support Teams*. 2009.

suited for the specifics of the damages sustained. This allows for more than one technical expert, such as an engineer, to render opinions about complex damage situations and reach a group-supported consensus in a quick and consistent manner. The inherent flexibility in assembling and using these teams provides FEMA with a needed damage assessment capability that can reduce the potential for disagreements and strained relationships with the applicant.¹¹⁶

FAST teams employ an objective approach to capturing the incurred damage by using checklists instead of a narrative description.¹¹⁷ The narrative description that is currently used to describe the damages is subject to the drafter's proficiency to represent the eligible damages in written form. These descriptions also lack objectivity because they rely upon the drafter's ability to perform a completely comprehensive assessment without a guide to help ensure that the project worksheet captures all of the damage.

FASTs are dynamic with the potential to provide many different skill sets and may ultimately be employed for all types of projects that fall under work categories C-G. The use of FASTs should be mandated for category E work when structures have more than just minimal damage and in incidents where structural elements involved are non-buildings (e.g., waste water treatment plants, bridges, etc.). Although most FASTs are comprised of contractors who may not have PA Program expertise, it is not recommended that these individuals be formally trained as program experts in eligible costs. Rather, the FEMA field staff should employ a method to solicit the FAST's input in a format that easily identifies eligible damages, work, and costs. This can be done by advising the FASTs to answer the following questions regarding damage assessments:

1. What was damaged?
2. What portions of the damage (and what reasonably associated damages) were directly caused by the disaster?
3. What is necessary to repair the disaster-caused damages (and reasonably associated damages)?

While the type of disaster, extent of damage, and types of affected facilities ultimately define the expertise required for a FAST, the potential exists for the pre-identification of resources (individual technical experts or groups of experts) for use in the formation of the teams. This step has the potential for faster mobilization of FASTs that are already mission-oriented and ready to begin assessments upon arrival.¹¹⁸ All potential parties (such as FEMA, the state, and local governments) to the PA process should work to identify these resources during non-disaster periods.¹¹⁹

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ United States Department of Homeland Security, Federal Emergency Management Agency. *FEMA Internal Use Only Working Paper: Facility Assessment Support Teams*. 2009.

¹¹⁹ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

15. Employ alternative dispute-resolution practices to reduce potential bottlenecks within the PA Program. These alternative processes may include the use of mediation and arbitration rather than formal appeals.

Background

Disputes within the PA Program are often centered upon the eligibility of an applicant, facility, project or work related to a project, the sufficiency of approved costs, the denial of a request for time extension, eligibility of claimed repair costs, or approval of correct and complete scopes of work. These disagreements are often addressed via the PA Program appeals process. Nevertheless, the process is viewed by some as biased and broken. As part of the American Recovery and Reinvestment Act of 2009, Congress presented the applicant with an alternative to the current appeals process.¹²⁰

Alternative dispute resolution is arbitration, in which disputants (in this case FEMA and the applicant) agree to allow a third party (an individual or panel) to hear their arguments and render a final, binding judgment.¹²¹ Arbitration can significantly reduce the time and frustration caused by an otherwise unrestrained dispute process. Over the course of the PA Program's existence, arbitration has only been used for projects opened in response to hurricanes Katrina (2005) and Rita (2005). These disputes were still ongoing in 2009 when Congress mandated arbitration in section 601 of the American Recovery and Reinvestment Act.^{122,123}

DHS Secretary Napolitano announced the new arbitration process in August 2009, to resolve outstanding PA Program projects dating to 2005 as a result of hurricanes Katrina and Rita. This process provides final decisions from an independent and neutral third party panel of arbitrators. The panel can only review disputed projects that exceed \$500,000. Each panel consists of three judges selected from a pool provided by the Civilian Board of Contract Appeals, all independent of DHS.¹²⁴ The arbitration panel considers all written statements and supporting documents received from the applicant, the state, and the FEMA regional administrator. Decisions are to be rendered within 60 days of filing with the panel.¹²⁵

¹²⁰ "Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607)." Federal Register, vol.74(no.167). 2009.

¹²¹ D.G. Pruitt, et al. *Social Conflict: Escalation, Stalemate, and Settlement* (New York: McGraw Hill) pp. 245–246. 1994.

¹²² FEMA Law Associates, PLLC. "Developments- Arbitration Under the Public Assistance Program." *FLASH Newsletter*. 4(13). 2009.

¹²³ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Arbitration Process*. 2009.

¹²⁴ K. Bea. Congressional Research Service. *Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding*. RL33053. 2010.

¹²⁵ "New arbitration panels for FEMA Public Assistance Program concerning hurricanes Katrina and Rita." *FNF-09-036*. Federal Emergency Management Agency, accessed December 09, 2010. www.fema.gov/news/newsrelease.fema?id=49243.

As of 09 September 2010, FEMA had received 25 arbitration requests, 20 of which had been decided.¹²⁶ Currently, FEMA is conducting an evaluation of this new arbitration process. This will determine whether the current arbitration process decreases the time needed to complete projects. In addition, this evaluation will provide recommendations for its implementation in future disasters.¹²⁷ Some within the federal government have advocated the continuance of the arbitration process for other disasters as well as a formal inclusion of a mediation/arbitration process into the appeals process.^{128,129,130}

Recommendation Rationale

The appeals process creates “bottlenecks” in the PA Program. Alternative dispute resolutions could potentially significantly reduce the overall time necessary resolve disputes. It is recommended that these alternatives be presented as an option to the current appeals process. Mediation and arbitration could replace the appeals process for particular steps in the PA Program which would result in an expedited decision-making process.

FEMA should clearly outline its standards for a timely dispute resolution with the PA Program and establish a methodology to ensure that they are consistently applied to each case that comes to appeals. This methodology should include the development of a tool within EMMIE that tracks the status and timeline of each appeal to ensure transparency of process.¹³¹

¹²⁶ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

¹²⁷ United States Department of Homeland Security, Federal Emergency Management Agency Administrator Craig W. Fugate. “Testimony before the United States Senate Committee on Homeland Security and Governmental Affairs; Subcommittee on Disaster Recovery: “Lessons Learned, Progress Made and Work Remaining from Hurricane Katrina.” Congressional Quarterly (*CQ*) *Congressional Testimony*. 2010. Accessed 09 December 2010.

¹²⁸ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

¹²⁹ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management, Testimony of Thomas M. “Mike” Womack, Mississippi Emergency Management Agency Director. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

¹³⁰ K. Bea. Congressional Research Service. *Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding*. RL33053. 2010.

¹³¹ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. “Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters.” September 22, 2010.

Mediation

Mediation is an alternative dispute resolution where an independent, objective mediator who has been formally trained in mediation methods helps two differing parties discuss their grievances, listen to the other side's arguments, and come to an agreeable solution to their dispute.¹³² During the project formulation process for permanent repair projects, the applicant and a FEMA regional representative discuss the amount of damage caused by a disaster, the scope of work to repair the damage and the cost for repairing/replacing the damaged facilities. This step can cause significant delays as the two parties' debate issues of the extent of disaster-related damage, the scope of work necessary to repair the damage, and the project costs. Mediation can help expedite this step, provide definitive solutions, and provide documentation if these issues arise again during the appeals and project closeout process.¹³³ Mediation is designed to serve as a pre-decisional tool to help drive toward a decision on project scoping and funding.

It is recommended that mediation be used following the 60-day deadline to resolve the scoping dispute quickly and fairly. If it appears that a resolution cannot be reached between the applicant and the FEMA regional representative, and superiors to the two are also unable to reach an agreement, the process for scheduling mediation should begin 20 days before the 60-day deadline. Mediation should be scheduled for one or two days with a professional, third party mediator.

Appeals

The applicant can appeal any formal decision rendered by FEMA. Upon project closeout, FEMA often receives an increased number of appeals mostly due to de-obligation of funds for ineligible work. The current appeals process is structured in such a way that the applicant has the opportunity to formally dispute any de-obligation of funds for a particular project worksheet twice—once through the FEMA regional offices and then, if the first appeal is denied, through FEMA headquarters in Washington, DC. The two recommendations below outline an appeals and an arbitrations process, which are intended to resolve dispute of FEMA's already rendered decisions in a cost-effective and timely manner.

Cost Threshold for Second Appeal

To reduce the administrative costs and the delay in appeal decisions due to the large number of second appeals, it is recommended that FEMA consider a cost threshold for reviewing second appeals at the headquarters-level. If an appeal has been filed due to dispute over eligible costs between the applicant and FEMA, and if the disputed cost does not exceed a set amount determined by FEMA, then FEMA headquarters will automatically defer to the decision rendered by the FEMA regional office for the first appeal.

Arbitration Option

The current appeals structure creates a laborious process for FEMA staff but has no negative consequences for the applicant. To alleviate the number of appeals at both the regional and headquarters

¹³² "Mediation." United States Department of Health and Human Services, accessed November 19, 2010. www.hhs.gov/dab/divisions/adr/mediation/process.html.

¹³³ United States Department of Homeland Security. Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

level of FEMA, it is recommended that FEMA provide arbitration to any applicant that meets certain requirements for all disasters going forward. The requirements are:

- If arbitration is chosen, applicants agree to forgo the appeals process.
- Arbitration is only used for funding dispute amounts that exceed the threshold for second appeals recommended above.
- Applicants commit to sharing the costs for the arbitration process.

Arbitration can introduce more fairness, objectivity, and transparency to the appeals process. It can also render binding, objective decisions more quickly and can eliminate the need for a second appeal. The arbitration panel shall consist of three individuals who are experts in arbitration law. Once the panel has heard arguments from both sides the panel has one week (five business days) to render a decision. Both FEMA and the applicant agree that the decision rendered is final and binding.

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APPENDIX 9: KEY FINDING 3 RECOMMENDATIONS

Overcoming Program Complexity

The following recommendations address Key Finding 3: The number of laws, rules and requirements with which FEMA and its applicants must comply makes the PA Program complex. Some of these complexities could be streamlined or simplified, but others may be unavoidable; and Key Recommendation 3: FEMA should strive to achieve a consistent level of understanding concerning laws, rules and requirements of the PA Program amongst its staff. FEMA should more extensively educate PA Program applicants about the program's processes and each party's needs and expected outcomes.

16. Develop and implement a comprehensive professional development program to develop the knowledge, skills and abilities required of FEMA staff within the PA Program

Background

The PA Program has many unique staffing, training, and education challenges. To fully maximize the capabilities and fulfill the goals of the program, FEMA staff at all levels need to have the necessary knowledge and understanding of program purpose, function, grant eligibility, funding allocation, and program management. Turnover, while a natural occurrence in any program or agency, creates confusion and instability for all levels of grant management. Methods should be developed to preserve institutional knowledge by passing information on from exiting staff to entering staff.

Additionally, FEMA employs both permanent and fixed-term or temporary personnel because of the intermittent nature of disaster work. The combination of permanent and temporary employees presents a significant challenge in developing a stable and experienced workforce, which can lead to the deployment of staff with partial knowledge of their job and little to no practical experience.^{134,135}

The PA Program has several general and specialized training courses. However, it is difficult to estimate the number of employees who have completed these training programs.

Recommendation Rationale

FEMA headquarters employs staff responsible for high-level analysis and assessment of the PA Program. It is critical to the program's success that all staff at this level be informed of and well-trained on Senior Leadership's vision and goals for the PA Program. The vision may include maintaining the balance that FEMA attempts to maintain as both public servants assisting those trying to recover from disasters and good stewards of American tax payer funds.

¹³⁴ United States House of Representatives. Committee on Transportation and Infrastructure. Subcommittee on Economic Development, Public Buildings and Emergency Management. Statement of Matt Jadacki, Assistant Inspector General for Emergency Management Oversight, Office of Inspector General, United States Department of Homeland Security. "Five Years After Katrina: Where We Are and What We Have Learned for Future Disasters." September 22, 2010.

¹³⁵ United States Department of Homeland Security. Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. OIG-10-26. 2009.

To develop the knowledge, skills and abilities that are needed of FEMA staff in the PA Program, it is recommended that a professional development program be implemented. This professional development program will educate and train new staff, as well as inform existing staff of changes and modifications to the existing grant process. To assure consistency in the education and training, coordination is needed both internally and within the regions to develop, vet, and implement the professional development program. This program should provide the following:

- A formal curriculum for each position in the organizational chart that includes both classroom and practical instruction
- Program management education and training

FEMA could award credentials and certificates for completion of this training and use this recognition as a way of tracking and assessing staff knowledge.¹³⁶ By requiring recertification, FEMA can address small changes to policy with the staff and increase the likelihood of those changes becoming institutionalized.¹³⁷

These educational materials, training programs, and leadership-development approaches should be modified for implementation in the FEMA regional offices. Training should include high-level understanding of the Program goals and functions, as well as examination of best practices for improving and maintaining effective working relationships with the states and applicants. There will be a continuing need to collect, store and share these education and training materials. This will not be a one-time effort as the PA Program will continue to evolve.

17. Develop pre-disaster applicant education intended to reduce misunderstandings during times of disaster recovery and restoration

Background

Timely, consistent, and continual education of potential applicants can greatly improve the efficacy of the PA Program. Presently, applicant education begins during the applicant's briefing, which typically occurs shortly after a disaster. This is often a confusing and overwhelming time for many likely applicants.. Unless applicants have prior experience with the Program, he/she may be unprepared help them to navigate the process. FEMA should expand the scope of training to include applicants and state personnel.¹³⁸

Recommendation Rationale

The benefit of pre-disaster stakeholder education is that it will reduce the potential for misunderstanding the PA Program processes during disaster recovery. Applicants who understand the Progress process and provisions and who are willing to work hand-in-hand with state and federal officials are essential in

¹³⁶ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary meeting notes from first meeting of the expert panel on cost estimating for the public assistance program." June 26-27, 2001.

¹³⁷ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

¹³⁸ Ibid.

efficiently moving the recovery efforts along.¹³⁹ Therefore, it is recommended that FEMA follow a multi-pronged approach to educate non-federal PA Program participants as outlined below. This training should include PW documentation requirements and an overview of the entire recovery process. Training should ideally occur prior to a disaster occurrence, since doing so afterward is not always possible.¹⁴⁰

Additionally, FEMA and the states should seek opportunities such as regional or state-wide meetings for the purpose of presenting PA Program information to potential participants during non-disaster periods. This material could be presented in its entirety as an extracurricular seminar either annually or bi-annually at the above-mentioned emergency management meetings.

FEMA Headquarters

FEMA may be able to reduce applicant confusion and ensure an easier transition into grant development and obligation of funds through enhanced on-line education. The more educational opportunities that FEMA can provide to the applicant in a clear and user-friendly manner, the more efficient the execution of the PA Program process will be following a disaster. FEMA should develop a pre-disaster education website that houses overview information on the PA Program and its processes, descriptions of eligibility requirements for applicants and work categories, and a clear outline of responsibilities for each partner in the Program. By providing applicants with the aforementioned materials, FEMA can manage expectations and help applicants be more prepared to participate in the program.

State Personnel

FEMA regional offices, in coordination with the states of their region, should develop and implement training courses and certification processes for state employees who are responsible for PA Program grant allocation. These employees should understand the purpose, goals, and the execution of each step in the PA Program process thereby ensuring that state implementers and managers understand the policy goals and the operations of the program.

Since the state is responsible for the allocation, management, and justification of funding, each state has an administrative process in place to oversee and execute this responsibility. It is critical to the management and execution of the program that FEMA regional personnel understand each state's process for funding delivery, verification, and validation. In addition to providing educational materials to train and certify new employees to the state PA Program, the state should also consider creating informational material for the FEMA regional office's new hires to explain the state's grant allocation process.

Local government and leadership/Potential applicants

Education and training materials should accomplish two key objectives at the local government and applicant levels:

- Explain the PA Program process
- Manage expectations of the applicant regarding benefits and limitations

¹³⁹ *Disaster Assistance: Redesign of Public Assistance Project Administration*. Federal Register. 63(224). 1998.

¹⁴⁰ United States Department of Homeland Security, Federal Emergency Management Agency. "Summary Meeting notes from First Meeting of the Expert Panel on Cost Estimating for the Public Assistance Program." 2001.

Potential applicants should understand the purpose and goals of the PA Program. They need to understand the state's roles and responsibilities when managing and dispersing funds once obligated by FEMA. Each state has developed its own administrative process for disbursing PA grant funds. This process needs to be communicated to the applicant as clearly and succinctly and as early as possible. The guidance and training to relay this information should be developed through a coordinated effort between the state and the FEMA regional office. Finally, FEMA should develop a communications plan to make applicants aware of PA Program educational resources.^{141,142}

18. Redesign the applicant's briefing by developing and mandating the use of a uniform template that has accompanying speaker notes concisely guiding the speaker through the presentation

Background

The current pre-application process (i.e., the applicant's briefing) is often confusing and stressful for the applicant. One of the main issues of concern is that the information presented to potential applicants is not uniform, varying by individual presenter and disaster. Additionally, the applicant's briefing may be the first time many potential applicants learn about the PA Program and its processes. As a result, the briefing may be overwhelming and too detail oriented for the applicant to comprehend.

The applicant's briefing is the first official meeting that generally occurs near or at the completion of the heavy response phase of the declared disaster. The timing of the briefing is at the discretion of the state, since it hosts the meeting. The purpose of the meeting is to educate the prospective applicant about potential federal assistance and eligibility requirements. The notification to attend the applicant's briefing may be received in a variety of ways that have proven to be effective. These methods of invitation may include the following:

- Relying on previous relationships with state officials to relay the information
- Employing an existing state maintained list of potential points of contact (POCs) to send out invitation emails
- Making media announcements

A brief review of available online material produced by the states for the applicant's briefing reveals that the format of choice is a Microsoft PowerPoint presentation. However, the review also reveals that the available material is not uniform in the type and amount of information given, nor how it is presented. Some basic components of current briefing packets may include:

- Brief background information on the PA Program
- A brief outline of the PA Program process
- An outline of eligibility requirements for applicants

¹⁴¹ United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Expert Panel on Cost Estimating: Recommendation Report of Federal Advisory Committee 10733*. 2002.

¹⁴² United States Department of Homeland Security. Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures. OIG-10-26*. 2009.

- An outline of eligible work categories
- An outline of responsibilities for each PA Program process entity
- Various points of contact within the state and FEMA

Recommendation Rationale

The applicant's briefing may be the first opportunity for those affected by a disaster to learn about the PA Program and how it can help them to recover. This meeting is an important component of the PA Program that should present the most relevant material to potential applicants effectively.

To accomplish this, FEMA should develop and strongly recommend the use of a uniform template that has accompanying speaker notes, which concisely guide a speaker through the presentation of PA Program materials.

At a minimum, the uniform speaker template should include the following topics:

- Brief background on the PA Program including key statutes and regulations
- Outline of applicant eligibility
- Tenets of the process (strategic overview of the process)
- PA Program timeline and milestones
- Description of legitimate projects and costs under the PA Program
- Key players in the process (state and FEMA representatives)
- Outline of key responsibilities for each entity within the PA process
- Overview of other federal assistance programs that may be available to assist the potential applicants

FEMA should develop an applicant's briefing workbook to accompany the presentation. The standardized workbook would serve as a reference to potential applicants during the briefing and beyond. The workbook should contain:

- A copy of the applicant's briefing
- A visual representation of the overall PA Program process
- Background on the PA Program process
- The purpose and goals of the program
- Explanations of the limitations of the PA Program
- Eligibility requirements for participation in the PA Program
- Copies of each PA Program form with accompanying instructions
- A list of entities, structures, and costs that are eligible for grant funding and reimbursement
- Examples of entities, structures, and costs that are not eligible for grant funding and provision of a brief rationale

- A complete list of PA Program information resource references (e.g., FEMA Public Assistance Applicant Handbook and FEMA Public Assistance Guide)
- A list of state and region-specific points of contact

Providing the above information during the applicant's briefing will assist applicants understand the PA Program and determine their eligibility. Applicants will be able to realistically shape their expectations of what FEMA is able to do to help them recover from a disaster.

19. Develop timeframes for each programmatic step that clearly identify the advantages and disadvantages of completing the task within the allotted time period

Background

Timeframes can help keep PA processes on track. Unlike deadlines, timeframes are not definitive due dates; but instead are windows of time for milestones. The PA Program lacks timeframes that are directly tied to the program processes: deadlines are the only time designations currently used by the program. The addition of applicant timeframes could streamline the process and educate the applicants about the benefits associated with completing process steps in a timely and efficient manner.

Recommendation Rationale

Developing timeframes for process steps can eliminate some ambiguity, ensuring a more streamlined and fluid process. While deadlines as they relate to the PA Program are set to ensure progress, they do not guarantee that an applicant will gain a full understanding of the PA Program process. Timeframes could be created to clarify each programmatic step and to identify the advantages and disadvantages of completing that step within a designated time period. This would increase an applicant's understanding of the overall process and allow for more educated and fully informed decision-making. The addition of timeframes may be advantageous as it potentially increases positive outcomes based on an applicant's ability to understand why decision-making. These outcomes may include:

- More expedient funding of projects
- Better time management
- A greater likelihood of efficient project close-out

Implementing this recommendation would not require any substantial change in existing processes or programmatic components. It would simply strengthen and define the current PA Program process. This should not require any changes outside of policy; however, all timeframes need to be in line with any statutory and regulatory requirements. Additionally, all timelines must be consistent with the realistic implementation of the PA QA/QC plan.

20. Increase the current administrative allowance to adequately address the cost burden incurred by states and applicants

Background

The Stafford Act affords a state the opportunity to request reimbursement for grant management and administration costs for itself and an applicant. Therefore, FEMA provides states with funds based on a set percentage of projected federal dollars for each disaster to offset those administrative costs. FEMA determines the amount of funds that it will make available for management and administration costs and notifies the state of a preliminary locked-in amount between 30 and 35 days from the date of declaration.

This amount is based on the projection at that time of the federal share for financial assistance for PA. Management and administration support is 3.34 percent of federal financial assistance for major declarations and 3.90 percent for emergency declarations. The states are then responsible for determining any amount to be passed to applicants.^{143,144}

Upon notification of the preliminary locked-in amount, the state must submit a category Z PW for its initial management and administration cost funding request to the regional administrator. In order to streamline the process, FEMA allows the submission of one category Z PW per state rather than requiring one for each project.¹⁴⁵ After receiving the initial funding request, FEMA obligates 25 percent of the preliminary locked-in amount to the state. Within 120 days after the date of declaration, the state must submit supporting documentation of costs and activities that will be paid for by the management and administrative funds.¹⁴⁶

Based on actual eligible costs, FEMA revises the locked-in amount at six months post declaration. On approval by FEMA's chief financial officer (CFO), FEMA may obligate up to 10 percent of the interim locked-in amount to the state if it can justify a definitive need for an additional obligation of funds.¹⁴⁷

The final locked-in amount is determined 12 months after the date of disaster declaration. Upon notification of the final amount, the state must submit a final funding request, in the form of an updated category Z PW, to the FEMA regional administrator. The final amount may not exceed the \$20 million cap for a single declaration except when justified and authorized by the FEMA CFO. The final disbursement of management and administration costs funds is based on actual costs.¹⁴⁸ Anecdotal evidence suggests that the allowable administrative costs funded by FEMA are insufficient to cover all required responsibilities and should be increased.¹⁴⁹

Recommendation Rationale

The current locked-in amount based on the rate of 3.34 percent for major disaster declarations for PA and 3.90 percent for emergency declarations does not adequately address the administrative cost burden

¹⁴³United States Department of Homeland Security, Federal Emergency Management Agency. *Public Assistance Applicant Handbook*. FEMA-323. 2010

¹⁴⁴United States Department of Homeland Security, Federal Emergency Management Agency. *Disaster Assistance Policy: Section 324 Management Costs and Direct Administrative Costs*. DAP9525.9. 2008.

¹⁴⁵United States Department of Homeland Security, Federal Emergency Management Agency. Memorandum for: Disaster Assistance Policy: *Section 324 Management Costs and Direct Costs DAP9525.9*, and *Recovery Policy 9525.1: Public Assistance Grantee Administrative Costs*. 2009.

¹⁴⁶United States Department of Homeland Security, Federal Emergency Management Agency. *Disaster Assistance Policy: Section 324 Management Costs and Direct Administrative Costs*. DAP9525.9. 2008.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ "Disaster Assistance: Redesign of Public Assistance Program Administration." *Federal Register*, vol.64(no.196), October 12, 1999.

incurred by the state.¹⁵⁰ As a result, the state is rarely able to recover administrative costs associated with the disaster. Additionally, because the state does not recover its own administrative costs, it is rarely able to reimburse any applicants' administrative costs. By increasing the locked-in amount percentage, the state will be able to recover administrative costs incurred from the disaster and reimburse administrative costs to the applicant.

¹⁵⁰ United States Department of Homeland Security, Federal Emergency Management Agency. Disaster Assistance Policy: Section 324 Management Costs and Direct Administrative Costs. DAP9525.9. 2008.

APPENDIX 10: SUMMARY OF PA PROGRAM RECOMMENDATIONS

This appendix contains a summary of all the findings and recommendations from the following reports that address the FEMA Public Assistance (PA) Program:

1. U.S. Government Accountability Office. *FEMA's Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding*. December 2008.
2. U.S. Department of Homeland Security, Office of Inspector General. *Assessment of FEMA's Public Assistance Program Policies and Procedures*. December 2009.
3. U.S. Department of Homeland Security, Office of Inspector General. *2007 Debris Removal Pilot Programs and Initiatives*. January 2009.
4. U.S. Department of Homeland Security, Office of Inspector General. *Improvements Needed in FEMA's Management of Public Assistance – Technical Assistance Contracts*. October 2010.
5. U.S. Department of Homeland Security, Office of Inspector General. *Opportunities to Improve FEMA's Public Assistance Appeals Process*. March 2011.
6. The U. S. Conference of Mayors. *Report of the Stafford Act Reform Task Force*. January 2010.
7. University of New Orleans Center for Hazards Assessment, Response and Technology & North Carolina State University. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: The Federal Role*. June 2010.
8. University of New Orleans Center for Hazards Assessment, Response and Technology. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: Recommendations for Public Assistance*. 2010.

Each of the aforementioned reports was carefully reviewed and every finding and recommendation is presented verbatim from the specified report. The material contained herein is intended to be used as a reference point for further research and is not presented in full source context.

U.S. Government Accountability Office- FEMA's Public Assistance Grant Program Experienced Challenges with Gulf Coast Rebuilding, December 2008.

Document Overview:

This report examines the amount of PA grants FEMA has provided for rebuilding the Gulf Coast after the 2005 hurricanes. It specifically looks at challenges and provides recommendations on project development, information sharing and tracking, project approvals and appeals, and human capital. GAO reviewed relevant laws, PA regulations and procedures, and analyzed data from the FEMA National Emergency Management Information System. GAO provides four recommendations to help improve the operation of the PA Program.

Findings & Recommendations:

- A. Finding: The final cost of federal funding for the 2005 Gulf Coast hurricanes will exceed the original budget. The true cost of the PA Program in the Gulf Coast is unknown since FEMA does not track its administrative expenses by program. The funding process is slowed because of challenges in

developing projects, sharing information, and making decisions regarding project approvals and appeals. Additionally, the way FEMA reports on this specific metric to Congress and the public is misleading. Specifically, the figure provided in PA data reports regularly issued by the agency does not represent the number of unique PA projects, but also includes revisions that have been made to these projects, which roughly doubles the number reported.

Recommendation 1: Improve PA reporting by better defining information presented in FEMA's periodic reports to Congress and the public; specifically provide the number of unique PA projects in addition to figures that include changes to projects.

- B. Finding: There are several challenges involving the process of developing PA projects, which at times, contributed to delays and increased costs particularly for many large permanent work projects. This includes difficulties in: (1) determining the amount of damage that was actually disaster-related, (2) using PA Program flexibilities to rebuild to the post disaster needs of PA grant applicants, (3) assessing project scope and deciding whether to repair or rebuild, (4) estimating project costs, and (5) obtaining resources to initiate projects.

Recommendation 2: Improve information sharing within the PA process by identifying and disseminating practices that facilitate more effective communication among federal, state, and local entities, including the development of tools that promote document sharing such as Mississippi's online accounting system.

- C. Finding: There are challenges in sharing project information among intergovernmental participants during project development, and limitations in how the status of projects is tracked.

Recommendation 3: Strengthen continuity among staff involved in administering the PA Program by

- Developing protocols to improve information and document sharing among FEMA staff, such as requiring that staff maintain a record of project decisions to share with rotating staff, or by more broadly adopting a team approach so that more than one individual is aware of the details of specific projects, and
- Communicating the timing of expected FEMA staff rotations to applicants directly affected by those staffing changes.

- D. Finding: The approach to making decisions regarding project approvals and appeals present challenges to moving forward with rebuilding. Further, decisions on project appeals were sometimes not made within the time frames required under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Recommendation 4: The agency should take steps to further refine the PA Program to better address these challenges as the recovery continues on the Gulf Coast and in advance of future disasters. FEMA should continue to institutionalize these lessons by taking action to ensure that changes are made to program policies and procedures, and then appropriately disseminated.

- E. Finding: Human capital challenges at the federal, state, and local level underlie many of the difficulties we identified in the day-to-day operation of the PA Program after the 2005 Gulf Coast hurricanes. Due to the magnitude of the hurricanes, there was inadequate human capital capacity, especially early on in the recover. As a result, FEMA and the states relied upon inexperienced staff to implement the PA Program in Mississippi and Louisiana. Many of these inexperienced staff received

abbreviated, or in some cases no, training on important PA processes, which affected their ability to effectively implement the program.

Recommendation 5: State and local governments should consider approaches to help ensure that they have, or have plans to develop or access, staff with the right mix of skills needed to carry out their role in the PA process.

U.S. Department of Homeland Security, Office of Inspector General- *Assessment of FEMA's Public Assistance Program Policies and Procedures*. December 2009. OIG-10-26.

Document Overview:

This report addresses Congressional concerns over the design and implementation of the FEMA Public Assistance Program. The objectives of the study were to determine the efficiency PA Program processes and procedures concerning project worksheets (PW) and to identify potential alternatives to streamline the PW process. The OIG presents 16 recommendations in this report for the purposes of improving the way FEMA reviews and approves PA projects.

Findings & Recommendations:

- A. Finding: FEMA's Strategic Plan commits them to provide "timely disaster assistance to hasten the recovery of individuals and communities." However, funding to applicants is often delayed because of appeals processing times; the environmental and historic preservation (EHP) process; and the reconciliation of insurance settlements. PA funding is delayed by insufficient timelines for PW actions pertaining to the aforementioned processes. Addressing these issues would significantly improve the timeliness of PA project funding. The following recommendations were made:

Recommendation 1: Establish a complete set of standards for achieving timeliness in the appeals process and adhere consistently to those standards previously established.

Recommendation 2: Develop and implement a tracking system that records the status and timeliness of each appeal.

Recommendation 3: Establish a FEMA-wide mediation or arbitration process for appeals that have reached an impasse. Refer claims that have reached an impasse within FEMA's appeals system to the mediation or arbitration board.

Recommendation 4: Initiate and triage EHP workload, immediately after a disaster, based on importance and not necessarily the order in which received.

Recommendation 5: Establish and enforce formal time limits for the EHP process.

Recommendation 6: Coordinate the EHP process through programmatic or similar agreements with other federal agencies and state entities involved.

Recommendation 7: Provide funding for projects that will later be covered by insurance proceeds when the insurer and the insured (subgrantee) agree to subrogate all applicable funds to FEMA.

- B. Finding: FEMA needs to improve its management of the PA Program by addressing problems several areas such as improvement of initial PW determinations, eligibility clarification, and cost estimations. Problems result from employee turnover, limited training for disaster personnel, and the absence of a PA operations manual. The following recommendations were made:

Recommendation 8: Restructure FEMA’s disaster workforce into sufficiently staffed regional cadres and deploy personnel only to the geographic area in which they reside, unless nationwide deployment in response to a catastrophic disaster is necessary.

Recommendation 9: Develop a recruitment plan to target local candidates when long-term disaster recovery efforts will be needed.

Recommendation 10: Require that project officers, consistent with their overall responsibilities as outlined in federal regulations and FEMA PA guidance: (a) document all project activity; (b) convey all relevant documentation and information from predecessor to successor; and (c) review all appropriate documentation prior to visiting the subgrantee.

Recommendation 11: Expedite the development and implementation of a standardized credentialing system to include employee qualifications, training, mentoring, and other applicable information.

Recommendation 12: Expedite the completion and dissemination of the FEMA *Public Assistance Operations Manual* to all disaster personnel.

- C. Finding: FEMA’s performance measurement efforts need to be improved in order to provide the accurate and balanced information that is needed to assess, and improve as appropriate, the timeliness and performance of the PA Program. The current system for evaluating timeliness of funding improperly assigns equal weight to all disasters, despite differences in funding or work load. FEMA officials need to take appropriate corrective action to improve the PA performance measurement system if it is to fulfill its potential to identify the need for improvement in PA Program management and timeliness efforts.

Recommendation 13: Use a weighted methodology to assess the timeliness of PA funding obligations that will not statistically conceal major shortfalls on larger disasters.

Recommendation 14: Devise and implement a mechanism to measure timeliness of PA project closeouts for those disasters not included in EMMIE and revise PA performance objective “close 90% of disasters within 2 years of the declaration date” to differentiate according to disaster magnitude.

Recommendation 15: Conduct PA Program customer satisfaction surveys, and revise PA performance objective “achieve at least 90% customer satisfaction rating” to differentiate between subgrantee funding amounts.

- D. Finding: The current PA process is a practical system in theory, yet its administrative requirements entail significant time and expense. Although there is no panacea for the inherent challenges derived from a multibillion-dollar program that provides assistance for communities to quickly respond to and recover from major disasters or emergencies, alternatives to the current system could improve the efficiency and economy with which FEMA delivers this assistance.

Recommendation 16: Prepare a detailed report that analyzes the costs and benefits of various alternatives to the current PA Program, including those identified in this report, and provide an action plan for each of these alternatives or provide justification for why the alternatives are not viable.

U.S. Department of Homeland Security, Office of Inspector General--2007 Debris Removal Pilot Programs and Initiatives. January 2009. OIG-09-16.

Document Overview:

This report provides a brief summary of FEMA's outreach efforts for the PA pilot program initiated by FEMA between June 1, 2007 and December 31, 2008. The voluntary program included new procedures meant to address congressional mandates to conduct a pilot program that reduced federal public assistance costs; increased grant administration flexibility; and expedited assistance provided to state and local governments.

Findings & Recommendations:

- A. Finding: FEMA's efforts to develop program guidance for the PA pilot study demonstrated their commitment to the success of the voluntary program. Program field guides and pilot program briefings were shared at conferences, training sessions and made available on FEMA and state emergency management websites. However, it was noted that FEMA regional officials lacked the depth of knowledge about the program to effectively promote its value to state and local officials.

Recommendation 1: FEMA outreach efforts could have been more effective by ensuring that FEMA regional staff and FEMA JFO staff were more knowledgeable of the program and how it worked. This would have ensured that a consistent and unified message was presented to the applicant.

U.S. Department of Homeland Security, Office of Inspector General. *Improvements Needed in FEMA's Management of Public Assistance – Technical Assistance Contracts.* October 2010. OIG-11-02.

Document Overview:

This report addresses the strengths and weaknesses of the Federal Emergency Management Agency's management of its Public Assistance-Technical Assistance Contracts (PA-TAC). The independent public accounting firm of Foxx & Company was contracted to perform an audit of PA-TAC. The contract required that Foxx & Company perform its audit according to generally accepted government auditing standards. The audit was a performance audit as defined by Chapter 1 of the [*Government Auditing Standards*], and included a review and report of program activities with a compliance element.

Findings & Recommendations:

- A. Finding: FEMA may not be adhering to the Brooks Act when it awards individual task orders to the contractors based primarily on the equal distribution of dollars among the contractors, instead of on the contractors' competencies, qualifications, and performance.

Recommendation 1: Follow through [with] request for an opinion to the Office of Legal Counsel, or the Federal Programs Branch, Civil Division, at the Department of Justice regarding how the Brooks Act applies to the awarding of individual [PA-TAC] task orders. If the Department of Justice finds that the current method of awarding [PA-TAC] does not adhere to the Brooks Act, work with applicable agency officials to ensure that future task order awards follow the legally required process.

- B. Finding: Task orders awarded using the three PA-TAC base contracts are to be performance based, using agreed-upon performance metrics. At the time of [this] review, FEMA had not established performance expectations and did not monitor or evaluate the performance of the PA-TAC contractors. Without performance expectations or adequate monitoring or evaluations, there is no

assurance that the federal government and the state and local entities are receiving the expected PA-TAC contractor services for the federal funds expended.

Recommendation 2: Establish performance expectations and develop performance and evaluation criteria for the [PA-TAC]

Recommendation 3: Ensure that [PA-TAC] contractor performance is being evaluated using the criteria established

Recommendation 4: Ensure that there are consequences for failure to achieve performance expectations.

- C. Finding: FEMA has not provided adequate guidance or training to define and direct the roles and responsibilities of the Task Monitors. Without specific policies and procedures and a standardized process to guide the Task Monitors in their job of monitoring contractor performance and certifying the accuracy of contractor invoices, there is no assurance that these important functions are being properly executed.

Recommendation 5: Develop policies, procedures, and processes that define and direct the Public Assistance Task Monitor role and responsibilities for monitoring and evaluating contractor performance and for certifying and reconciling contractor invoices and supporting documentation

Recommendation 6: Develop a formal training program to instruct the Public Assistance Task Monitors on their roles and responsibilities

Recommendation 7: Develop a certification program for Public Assistance Task Monitors.

- D. Finding: FEMA, the states, and localities had limited access to [Long-Term Community Recovery (LTCR)] resources from the PA-TAC contractors even though this type of technical assistance was required by the task orders. Because there were no expectations established or evaluations of contractor performance, it cannot be determined if the federal government received a fair return for the nearly \$15 million that FEMA spent on LTCR services.

Recommendation 8: Develop performance expectations, evaluation criteria, and a monitoring plan to assess the success of: the new LTCR contractor and the new Disaster Assistance Employee cadre for LTCR.

- E. Finding: FEMA was not appropriately documenting contract files and not following federal acquisition contracting procedures and processes. As a result, the task order files were not readily accessible to users, not in compliance with the acquisition requirements, and did not have the information needed for reviews, investigations, or congressional inquiries.

Recommendation 9: Include all active Public Assistance-Technical Assistance Contract task order contract files in the contract management system

Recommendation 10: Reinforce employees' duties to comply with Federal Acquisition Regulation requirements

Recommendation 11: Include the required quality assurance plans, project management plans, and status reports in the contract files to provide the government with the basis for evaluating contractor performance

U.S. Department of Homeland Security, Office of Inspector General. *Opportunities to Improve FEMA's Public Assistance Appeals Process*. March 2011.

Document Overview:

This report provides a summary of the strengths and weaknesses found in the FEMA PA Program's appeals process as determined by DHS OIG and an independent contractor, Foxx & Company. The audit and recommendations specifically focus on the timeliness in processing appeals, appeal decision reporting, and service to PA applicants. DHS OIG provided FEMA with seven recommendations to improve the appeals process.

Findings & Recommendations:

- A. Finding: There are significant delays that occur in all of the processing levels (applicant, state, FEMA regional, and FEMA headquarters). As a result of the delays, appeals remained open for long periods and issues concerning project eligibility and costs remained unresolved. Appeals process delays were most significant at headquarters. In 2010, the average number of days it took to process second-level applicants was 227 (the program requirement is 90 days). Delays in processing appeals impact the applicant, the state, and FEMA operations. Until an appeal is decided, applicants have to obtain other sources of funds to complete projects or pay contractors. Delays increase state and FEMA administrative costs of monitoring appeals and responding to inquiries concerning the status of appeals.

Recommendation 1: Develop and implement procedures that:

- Require states to notify the appropriate FEMA region when an applicant submits an appeal,
- Require regions to follow up with the states on individual appeals that have not been forwarded to the region within the required timeframes, and
- Provide adequate staffing to expedite the resolution of appeals so that the mandated timeframes are met.

Recommendation 2: Analyze the headquarters' second-level appeals process and identify opportunities for improved effectiveness, such as establishing backlog reduction goals and standards for key steps in the process.

Recommendation 3: Establish realistic, achievable milestones to expedite FEMA-wide plans to develop and implement an integrated agency-wide appeals tracking system that will provide more visibility over the entire appeals process.

- B. Finding: The tracking system used to monitor second-level appeals was inaccurate. It did not include the time regional staff took to review and forward second-level appeals to headquarters. It only reports headquarters time. Therefore, the system understated the time required to resolve second-level appeals. In addition, the processing time reported in the tracking system for second-level appeals included incorrect formulas, which made the report inaccurate. As a result, the processing times reported in the database tracking system did not provide a reliable source of information to FEMA officials and other interested parties concerning compliance with the required 90-day processing timelines.

Recommendation 4: Establish time standards for the regional work performed on second-level appeals and include this time in the 90-day period that FEMA headquarters has to issue a final decision on a second-level appeal.

Recommendation 5: Establish procedures and appropriate controls to ensure that the second-level appeals data tracking system is reporting accurate data.

- C. Finding: FEMA does not have an effective process for providing feedback on the status of appeals to applicants. The online system had not been updated with case information since October 2009. As a result, applicants as well as state and FEMA officials did not have accurate information on the status of appeals or decisions. Delays in decisions have resulted in additional costs to the applicants, extended financial uncertainty concerning project funding, and affected applicant operations. The lack of accurate and timely information on the FEMA website prevented applicants and state and FEMA officials from having a valuable information resource concerning second-level appeal decisions.

Recommendation 6: Develop and implement procedures that:

- Establish communication channels to allow PA applicants and state officials to interact with FEMA during the appeals process concerning the status of appeals, and
- Authorize applicants' and state officials' access to the tracking system when it is developed.

Recommendation 7: Provide adequate resources to resolve the website software problem and update the site to include all second-level appeal decisions.

The U.S. Conference of Mayors. *Report of the Stafford Act Reform Task Force. January 2010.*

Document Overview:

To bring about critically needed comprehensive reform, this paper identifies specific problems with current Stafford Act law, regulation, and policy which impede effective preparedness, response, mitigation and recovery efforts. It proposes changes which will enhance local emergency management and recovery capability. It was developed by the U.S. Conference of Mayors Stafford Act Reform Task Force through a series of meetings, primarily held via conference call. This effort was made possible through the collective experience of mayors and local emergency management directors and staff who have been at the forefront of responding to disasters that have affected their communities.

Findings & Recommendations (only specific to PA Program):

- A. Finding: Though it was written to give much discretion to federal administrators for tailoring the response to the need, the Stafford Act is not adequately flexible to handle the widespread destruction caused by a catastrophic disaster, and it is not always used to make the most effective decisions after emergency events in general. Response is frequently stymied by a limiting law, bureaucratic inefficiencies and conflicting or unclear policies and regulations.

Recommendation 1: Provide for catastrophic disaster designation to speed up funding availability and recovery - Some disasters are so great in scope and effect that they require special consideration for the response and recovery efforts. The Stafford Act should be amended to differentiate "catastrophic disaster" as one which has a more devastating impact than a "major disaster."

Recommendation 2: Require Catastrophic Disaster Housing Plans to meet community needs – Because of the magnitude of damage done to housing in a catastrophic disaster, the final National Disaster Housing Plan must ensure that the extraordinary needs of communities which have experienced catastrophes, as well as those of host communities that receive long-term evacuees, are met. This includes providing adequate shelter, temporary and transitional housing, and authorizing repair of permanent structures (rental rehabilitation).

- B. Finding: The Stafford Act and related regulations have authorized many programs to assist people affected by emergencies and disasters. Currently, funding for the programs is insufficient to meet the need, and the implementation of the programs themselves requires improvement. These deficiencies hurt not only disaster victims but also the communities that host residents when they are evacuated. The Stafford Act should be changed to:

Recommendation 3: Create a national disaster Case Management Program which provides a comprehensive approach to disaster recovery that will ensure interagency cooperation (Sec 426)

Recommendation 4: Provide qualified case management personnel trained in Individual Assistance, Other Needs Assistance, and all potential grant programs for disaster victims. It is important to educate local jurisdiction staff as well as federally-funded case management workers to better advise citizens on their options to receive federal assistance and responsibilities for documenting its use. This will avoid misunderstandings and better serve the affected communities (Sec 426)

Recommendation 5: Ensure that assistance for individuals and households adequately covers meals, transportation which could include multiple moves and hotels so that evacuees will not be compelled to stay in shelters, further burdening host communities;

Recommendation 6: Provide temporary mortgage or rental payments for individuals or families who face financial hardship caused by a disaster (Sec 408);

Recommendation 7: Allow all evacuees regardless of citizenship status to be eligible for Individual Assistance so that they do not become a burden on local host communities (Sec 408)

Recommendation 8: Do not penalize households that need to separate temporarily so that one member can return to work in the affected community (Sec 408)

Recommendation 9: Provide safe and secure living accommodations for victims of domestic violence so they are not penalized for requiring separate accommodations (Sec 408)

Recommendation 10: Allow for 100 percent reimbursement for affected communities and host communities for personnel costs and lost revenue incurred to manage and implement assistance for evacuees (Sec 408)

Recommendation 11: Ensure that affected and host communities are stakeholders in the coordination of all Individual Assistance and other financial assistance programs. Due to privacy laws prohibiting the sharing of personal data, this would facilitate maximum outreach to eligible applicants and help to verify that benefits are not duplicated (Sec 408)

Recommendation 12: Finalize the National Disaster Housing Plan and Improve Disaster Housing – FEMA should expedite finalization of a disaster housing plan that does not rely predominantly on travel trailers and vouchers, both of which have proven problematic.

- C. Finding: Individuals and jurisdictions need quick access to funding to repair or replace damaged homes, businesses, facilities and infrastructure to facilitate disaster recovery. This can be accomplished in part by reforming insurance regulations. Stafford Act regulations should be changed to:

Recommendation 13: Allow grantees and subgrantees to be reimbursed for insurance deductibles as an eligible cost, thus rescinding a policy change that limited deductible recovery to a one-time event

Recommendation 14: Allow jurisdictions to reimburse the federal government for insurance claims payments received during the close out phase of the grant rather than deducting the anticipated amount from a Public Assistance grant up front. The anticipated amount is often inaccurate and the amount obtained may take many years to collect. Current practices delay the rebuilding or repairs of the damaged public asset;

Recommendation 15: Increase the insurance requirement threshold of \$5,000 to \$100,000 to be consistent with the proposed small projects threshold

Recommendation 16: Waive proof of insurance requirements for Individual Assistance recipients initially so that immediate assistance can be provided to those in need. Require recipients to reimburse the program when and if insurance claims payments are made

Recommendation 17: Establish criteria whereby local government entities other than just states may be authorized to self-insure (Sec 311)

- D. Finding: Many programs created by the Stafford Act have limitations set by law, regulation, or policy that have caused problems and delays in the recovery of impacted communities. The requirement for grant programs to be run through the states instead of directly with cities adds an additional layer of bureaucracy and delay. Another serious impediment is the limitation on the use of grant funds to pay regular as well as overtime for work performed by the staff of affected jurisdictions after an event. Assistance programs should be changed to:

Recommendation 18: Cover both regular and overtime pay for state and local public employees such as first responders, building inspectors, healthcare professionals and sanitation workers following a disaster – The scope and scale of emergency work performed in response to a disaster is often well outside any emergency personnel’s regular call of duty and should be reimbursed in the same manner as permanent work. To provide fiscal relief and reduce administrative costs, any work performed that qualifies as eligible under emergency protective measures or debris removal should be fully reimbursed, regardless of the labor category or pay rate of the employee

Recommendation 19: Eliminate Alternate Projects Federal Share Reduction to allow for 100 percent federal funding – Because alternate projects often represent a more effective and efficient use of public funds and discourage the rebuilding of facilities no longer needed, providing 100 percent federal share for all alternate projects would allow the applicant to make rebuilding decisions based on what is best for the community rather than funding reimbursement levels

Recommendation 20: Permit removal of slabs and foundations on grade as an eligible demolition expense – While FEMA currently has the authority to consider slab and foundation removal as an eligible cost under “very unusual circumstances,” this authority should be clarified to permit reimbursement for slab and foundation removal, which can be critical to public safety, redevelopment, and economic recovery

Recommendation 21: Cover increased operating costs associated with the disaster – Operating costs of the affected community increase as the result of a disaster. All costs beyond normal day to day operations should be eligible for reimbursement under the Public Assistance Program for not less than six months

Recommendation 22: Cover the replacement of vehicles and equipment in the same way that facilities are covered – Recent FEMA policy has required that vehicles or equipment must be repaired or replaced with those of the same age, capacity and vintage, unless this cannot be done within reasonable time and cost. Vehicles and equipment (particularly those used for public safety,

transportation and service) should be treated in the Stafford Act like facilities and replaced if they are over 50 percent damaged of their actual cash value or not repairable (Sec 406)

Recommendation 23: Elevate the threshold for small projects – The threshold for small projects for which funding is immediately released when obligated under Simplified Procedures should be elevated to \$100,000. This would reduce administrative costs for FEMA, states, and other applicants and speed up recovery (Sec 422)

Recommendation 24: Develop a timely, neutral, separate third-party appeals process – The appeals process should be changed to resolve Project Worksheet (PW) disagreements over damage assessments, cost estimates, project scope, and other issues with FEMA. Applicants should be able to request the use of a neutral, separate third party process and receive timely answers in cases involving a smaller dollar value than is allowed for arbitration. Arbitration would then only be invoked as a final step for larger projects. The appeals should be acted on by an independent panel composed of individuals knowledgeable about Stafford Act law and regulations (Sec 423)

Recommendation 25: Provide funds to reimburse costs associated with preventive measures – Stafford Act pre-event funds are provided through annual grants to assist with preparations such as hardening of structures. Reimbursement should also be provided to jurisdictions that use resources to take urgent preventive measures to mitigate the effects of potential disasters which appear to be imminent threats. These measures, which could include precautionary evacuations and target hardening of facilities or levees, should be covered even if the path of the threatening event changes or the preventive measures successfully mitigate the effects of the disaster (Sec 403)

- E. Finding: Reimbursement for eligible costs incurred for preparedness or for providing mutual aid must be quicker and less bureaucratic in order to encourage more critically needed cooperation without penalizing those who want to help. Federal assistance with coordination across state lines and regions, combined with the use of federal authorities and assets, will improve the quality and reach of the planning. Changes should be made to:

Recommendation 26: Provide adequate funding for all municipalities -- Provide adequate funding to jurisdictions below the county level for preparedness activities including staffing, disaster management, and plan development. Under current policy, funding for these activities is usually limited to the county level

Recommendation 27: Recognize utility workers as first responders – Utility workers need to be credentialed and given shelter and supplies in the same manner as public safety first responders so that they can quickly enter the affected area after a disaster to begin repairs on critically needed utility services

Recommendation 28: Expand the definition of disaster events covered under the Stafford Act – The definition of types of events covered under the Stafford Act should include chemical, biological, radiological, and nuclear attacks or accidents (Sec 102)

Recommendation 29: Reform the disaster declaration process (Sec 501) – FEMA should: Accept a governor's request, including the Preliminary Damage Assessment report (PDA) numbers provided, for the determination of a disaster declaration. This will expedite the declaration process to provide needed federal assistance more quickly; and base the declaration of a disaster on the population of the specific local geographic area (city, borough, township, etc.) affected, not necessarily the entire county.

- F. Finding: To respond quickly to emergency situations, FEMA must have a greater permanent professional capacity and the power to coordinate resources from other departments and agencies to

help meet needs that cannot be met with agency personnel alone. It also must work to ingrain a “mission-- driven” rather than “compliance-- driven” philosophy into its operations, to speed up bureaucratic processes and meet urgent needs. To improve FEMA program administration, Stafford Act law and policy should be changed to:

Recommendation 30: Empower FEMA as the lead agency in a disaster event to coordinate all federal departments that have disaster funding responsibilities and to assure that all funding for the communities affected by the event is put in place (Sec 402)

Recommendation 31: Increase FEMA’s staff capabilities by assuring that it has experienced, stable, and adequate permanent staffing. Immediately following a disaster, management-credentialed Tiger Teams that have direct communication with the Administration and FEMA headquarters and a complete understanding of both response and recovery operations should be deployed

Recommendation 32: To expedite project and program implementation, require FEMA to accept all plans, designs and engineering done by certified local professional staff as a basis for grant and funding approval

Recommendation 33: Consolidate all Stafford Act statutory and regulatory provisions – The Stafford Act and related laws and amendments should be consolidated into one code to reduce variable and conflicting interpretations and to provide clearer guidance for FEMA and communities working to apply disaster policy, regulation, and law in preparedness, response, mitigation, and recovery.

University of New Orleans Center for Hazards Assessment, Response and Technology & North Carolina State University. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: The Federal Role.* June 2010.

Document Overview:

This report assesses the government’s role in achieving long-term, safe recovery of the Gulf Coast communities from hurricanes Katrina and Rita in the early fall of 2005. The analysis focuses on the federal government, per the instructions of the Ford Foundation. The report reviewed the federal government’s role in public assistance, individual assistance, and mitigation. The main conclusions include:

- Need for a more comprehensive strategic federal framework joining together all government levels in order for there to be hope of achieving successful catastrophic recovery.
- Need for stronger federal role for recovery from a catastrophe because catastrophes are different from ‘regular’ disasters.
- Need for the federal system to make more of a commitment to have the necessary organizational goals and implementation practices including a well-prepared staff (from whatever source they come from) to support the state and local response.
- The recovery from future catastrophes in the United States must be accomplished in a more compassionate manner: namely in a more rapid, more efficient and a more successful way.

Findings & Recommendations (only specific to PA Program):

- A. Finding: Human resources were simply inadequate to manage the load after Katrina/Rita: there were too few people with too little training and experience and too little time on the job before rotations. The results included delays and inconsistent interpretations of regulations.

Recommendation 1: FEMA must fully implement the mandate from Post Katrina Emergency Management Reform Act (PKEMRA) for a Strategic Human Capital Plan (SHCP).

Recommendation 2: Congress must provide the necessary support to ensure that FEMA's human resource capacity is adequate for catastrophic disasters.

Recommendation 3: All levels of government should make training and mission readiness assessment for the PA Program truly intergovernmental.

Recommendation 4: FEMA should investigate the possibility of housing part of its DAE reserve force in state Emergency Management offices.

Recommendation 5: FEMA should explore the possibility of creating a national certification program for private companies that assist in disaster management.

- B. Finding: An important lesson from Katrina is that the recovery phase of disaster management requires thorough pre-disaster preparation, much as the response phase does. Most of that preparation must take place at the community level. FEMA cannot force communities to prepare, but it can encourage and assist them.

Recommendation 6: Provide information and technical assistance in community preparation.

Recommendation 7: Create a program to rate community preparation.

Recommendation 8: Incentivize participation in the rating system by grants and/or the commitment of a higher federal share after a disaster.

Recommendation 9: Conduct studies to assess the requirements, advantages, and disadvantages of establishing a federal insurance program and requiring participation in it as part of the PA Program.

- C. Finding: After Katrina/Rita, FEMA struggled with rules that did not fit situations and procedures that required multiple levels of approval. The gain in procedural conformity and possible savings in the prevention of fraud, waste, and abuse must be weighed against the enormous cost in human suffering and reduced economic output caused by delayed recovery.

Recommendation 10: Design a trigger or threshold for the declaration of a catastrophe.

Recommendation 11: Use forward funding and a forgivable loan program to make federal aid more readily accessibility.

Recommendation 12: Push decision making down the hierarchy by raising the cap on small projects to reduce the levels of review.

Recommendation 13: Enable and require the federal government to take responsibility for its decisions in the PA Program.

Recommendation 14: Record and report performance measures based on outcomes and customer satisfaction.

- D. Finding: Initial estimates are very important because they are the basis for agreement, or disagreement, on PWs and they set caps for alternative and improved projects.

Recommendation 15: Regularly evaluate cost estimation procedures.

Recommendation 16: Change training and reporting procedures to reduce the use of "0" or unrealistically low estimates in PWs.

Recommendation 17: Encourage pre-disaster documentation of conditions by publishing examples and standards.

E. Finding: Improve the PW review and approval process.

Recommendation 18: Implement a tracking system for PWs.

Recommendation 19: Require FEMA to give reasons for denials in writing and tell applicants of any documentation needed.

Recommendation 20: Create an independent appeal process for large projects.

University of New Orleans Center for Hazards Assessment, Response and Technology. *Achieving Successful Long-Term Recovery and Safety from a Catastrophe: Recommendations for Public Assistance. 2010.*

Document Overview:

There have been numerous complaints, testimonies, studies, reports and recommendations regarding problems with the PA program after Hurricanes Katrina and Rita. Congress has addressed some of them as part of PKEMRA and continues to monitor progress in FEMA and in the field. This report draws upon the existing literature and the authors' investigations in Louisiana and Mississippi to reach a series of findings about the nature of aid needed in catastrophes and to offer recommendations.

The main conclusions include:

- Catastrophes are different.
- Delay may be deadly.
- Response capacity should be scalable, insofar as practical.
- There should be a trigger or threshold required for the activation of special catastrophic procedures.
- Pre-disaster preparation is essential for speedy recovery.
- Preparation must be intergovernmental.
- Building back better is both cost-effective and beneficial.

Findings & Recommendations (only specific to PA Program):

A. Finding: PA is a reimbursement program that requires a non-federal match. This feature can restrict the ability of a devastated community from starting projects. A loan that can be used as match and later forgiven under certain conditions allows quick starts for approved projects and later review as more information becomes available.

Recommendation 1b: Use forward funding and a forgivable loan program to make federal aid available in a form that is easy to access quickly.

B. Finding: While it may be appropriate to raise the cap for all disasters, there is certainly justification for a higher cap in catastrophes. The greater scope of damage means that large numbers of cases can clog the review system.

Recommendation 1c: Push decision making down the hierarchy by raising the cap on small projects to reduce the levels of review.

- C. Finding: A 2009 report by the National Academy of Public Administration (NAPA) found that FEMA had made progress toward achieving “robust” regional offices but that additional action was needed to build capacity. This recommendation is another means of both integrating planning with stakeholders and speeding decisions after a disaster.

Recommendation 1d: FEMA should continue to strengthen regional offices.

- D. Finding: De-obligation of funds can leave states and communities holding the bag on projects that have already been started. The Government Accountability Office (GAO) and the Department of Homeland Security’s Office of Inspector General (DHS-OIG) noted this problem. It should be accepted that in a crisis, as in battle, there will be errors, or simply different conclusions about appropriate actions. The remedy should not be to punish the victims. There should be clear rules about who can make commitments for FEMA and how they can do so, but commitments once made should not be reversed except in cases of fraud.

Recommendation 1e: Enable and require the federal government to take responsibility for its decisions in the PA Program.

- E. Finding: In a 2009 review of the PA Program DHS-OIG found that FEMA had adopted four appropriate performance measures in accordance with the Government Performance and Results Act of 1993, but the OIG then criticized the agency for only tracking the first two, both of which are based on the obligation of funding within certain time periods. Obligation of funding is a process measure and does not necessarily indicate that applicants have agreed with FEMA decisions or that work has commenced. In the spring of 2010 there were 3,242 unresolved project worksheet versions in Louisiana. DHS-OIG found that a third performance measure, one based on closure rates, had not been implemented because the existing database did not record the information. A new system, Emergency Management Mission Integrated Environment (EMMIE), is designed to capture the needed information. A fourth measure, based on customer satisfaction, had not been reported because data collection was suspended pending approval of the survey. Aggressive implementation of these last two measures can help make the shift from process orientation toward action and outcome, as Administrator Fugate pledged.

Recommendation 1f: Record and report performance measures based on outcomes and customer satisfaction.

- F. Finding: In a catastrophe there will be large numbers of damaged facilities that require assessment and project worksheets (PWs). Human resources were simply inadequate to manage the load after Katrina/Rita: there were too few people with too little training and experience and too little time on the job before rotations. DHS-OIG attributed most of the problems following that catastrophe to human resource issues. FEMA has since made progress in creating a credentialing program and building a surge force as directed by Post Katrina Emergency Management Reform Act (PKEMRA). However, recent reports by DHS-OIG and the National Academy of Public Administration found that FEMA had a long way to go in creating and implementing a Strategic Human Capital Plan (SHCP) as required by PKEMRA. Further, FEMA provides only a part of the human resources needed to manage the PA Program. A broader perspective is needed.

Recommendation 2a: Fully implement the mandate from PKEMRA for a Strategic Human Capital Plan (SHCP).

- G. Finding: While DHS-OIG and FEMA can be criticized at times for unreasonable application of the regulations, many of the problems resulting in de-obligation stem from the need of the applicant to better understand the requirements of the federal regulations which govern the Public Assistance Program (Louisiana Governor's Office of Homeland Security and Emergency Preparedness). Yet it is difficult to imagine how FEMA can plan its own human capital without taking into account the capacities at other levels. Shared training is one means of gaining such knowledge. Further, inclusion of likely applicants and sub-applicants, as well as contractors, in training will not only reduce confusion and disagreement after a disaster, but can also improve the training, itself, by introducing different perspectives and questions. Such a goal implies more than allowing selective representatives in classes: it requires proactive programs to encourage shared training at all levels.

Recommendation 2c: Make training and mission readiness assessment for the PA Program truly intergovernmental.

- H. Finding: It is not cost-effective for communities to maintain sufficient staff to handle the large numbers of PA applications necessary after a catastrophe. It is not just a matter of making applications, appeals, and/or revisions, as time consuming as those tasks may be; it is also matter of contracting for the work to be performed, monitoring the performance and doing so in a way that satisfies federal standards. Disaster management firms can be of great assistance to communities. National certification would help communities to screen firms and would give firms a performance incentive to maintain certification.

Recommendation 2d: Explore the possibility of creating a national certification program for private companies that assist in disaster management.

- I. Finding: An important lesson from Katrina is that the recovery phase of disaster management requires thorough pre-disaster preparation, much as the response phase does. Most of that preparation must take place at the community level. FEMA cannot force communities to prepare, but it can encourage and assist them. Its role should be to provide technical assistance, measure progress, and incentivize participation. At a minimum, a report on useful preparatory actions would give communities a check list to consider. Examples relevant to the PA Program include: pre-disaster documentation, advance contracting, assessment of potential debris and identification of appropriate disposal sites, evaluation of ordinances regarding access to private property, adoption of uniform building codes and standards, and strategic planning that could guide rebuilding decisions.

Recommendation 3a: Provide information and technical assistance in community preparation.

Recommendation 3b: Create a program to rate community preparation.

Recommendation 3c: Incentivize participation in the rating system by grants and/or the commitment of a higher share after a disaster.

- J. Finding: FEMA has used an expert panel to improve cost estimation procedures, but there appears to be no regularly produced data comparing initial estimates and final costs. While comparisons would not be valid in all cases, such as improved projects, there should still be plenty of cases to use in assessing the accuracy of initial estimates under a variety of conditions. Technical specialists need to understand FEMA rules as well as their own areas of expertise.

Recommendation 4a: Regularly evaluate cost estimation procedures.

Recommendation 4b: Ensure adequate training for personnel who will be engaged in cost estimation.

- K. Finding: After Katrina/Rita there were numerous reports of PWs being initiated with unrealistically low estimates just to get them started. As a result, many projects went through multiple versions, as the GAO noted. The practice can lead to delays as applicants appeal decisions, especially when the estimate sets a cap for future work. While changes to initial scope and cost estimates will be necessary in many cases because of new information, e.g. additional damage discovered during repair, the goal should be to minimize versioning. It not only delays action but also adds to the workload of already overburdened staff at all levels.

Recommendation 4c: Change training and reporting procedures to reduce the use of “0” or unrealistically low estimates in PWs.

- L. Finding: In Congressional testimony PA director James Walke described the task of distinguishing disaster-related damage, which is eligible for assistance, from pre-disaster condition, which is not, as one of the major challenges that FEMA faced. This problem could be reduced with better pre-disaster documentation. After Katrina/Rita, GAO noted that FEMA had much less difficulty estimating storm damage to roads in Jefferson Parish, which had records of pre-disaster conditions, than in New Orleans, which did not. On the other hand, Jackson Barracks reported that it had extensive pre-disaster documentation, but that it was not accepted by FEMA. FEMA could encourage pre-disaster documentation and reduce post-disaster disagreement by setting and publishing standards indicating what it would accept.

Recommendation 4d: Encourage pre-disaster documentation of conditions by publishing examples and standards.

- M. Finding: After Katrina/Rita there were complaints of lost documents, inability to track PWs, inconsistency of decisions, insufficient information on denials, and lack of an independent appeals process. Much of the problem can be related to insufficient numbers of trained personnel. But other changes could help as well.

Recommendation 5a: Implement a tracking system for PWs.

Recommendation 5b: Require FEMA to give reasons for denials in writing and tell applicants of any documentation needed.

- N. Finding: An amendment, initiated by Senator Landrieu, to the American Recovery and Reinvestment Act of 2009 required an independent review process for Katrina/Rita cases valued at more than \$500,000, but it applied only to those disasters. In a December 2009 report DHS-OIG (10-26) recommended that FEMA remedy this problem by establishing “an agency-wide mediation process for appeals that have reached impasse.” FEMA responded, “there is no opportunity for an impasse to occur once an applicant submits an appeal under the provisions of Title 44 CFR §206.206” (p, 26). This may be a matter of semantics, but the case of Charity Hospital in New Orleans was certainly at a stand-still until the review board appointed under the Landrieu amendment ruled in favor of the applicant for \$462 million instead of FEMA’s final offer of \$150 million. The difference is enormous and the decision will have significant impacts on the future of New Orleans. Although better training and other efforts to improve the accuracy of initial estimates can reduce the incidence of such problems in the future, there still needs to be a mechanism for resolving disputes beyond simply accepting FEMA’s conclusions.

Recommendation 5c: Create an independent appeal process for large projects.



HOMELAND SECURITY STUDIES AND ANALYSIS INSTITUTE

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The PA Bottom Up Review Working Group will conduct a comprehensive review of the Public Assistance Program that will develop program design options that:

- Allow communities to recover quickly from emergencies and disasters
- Provide communities greater flexibility in their recovery options
- Incentivize recovery planning and disaster resilience
- Accelerate environmental and historic preservation compliance reviews
- Utilize technology to streamline the consistent implementation of the program
- Reduce the administrative burden of the program, at all levels of government
- Promote transparency in FEMA's decision making
- Support the federal government's Whole Community approach to emergency management
- Strengthen FEMA's relationships with States, Tribes, and local communities



PA COURSE OF ACTION EXECUTIVE REPORT

FEBRUARY 10, 2012

ACTIONS TAKEN SINCE LAST UPDATE

Change Management & Communications

- Finalized the PA COA Work Plan.
- Developed the draft PA COA Change Management & Communications Plan.
- Developed initial draft of the stakeholder analysis and communications strategy.

PA Operations Doctrine & Training:

- Developed initial plan for rolling out training to all Regions/States at the PA Conference.
- Incorporated edits from Focus Group into operations guidance.

Debris Removal Program Enhancements:

- Completed Debris Removal Program Enhancements business case for briefing DHS/OMB.
- Drafted Direct Final Rule on eligibility of straight time costs and cost-share incentives.
- Solicited nominations from Regions for Debris Work Group.

Permanent Work Program Enhancements:

- Developed a plan to launch the revision of damage assessment and cost estimating procedures at the PA Conference.



OVERVIEW OF APPROACH

The Public Assistance Bottom-Up-Review (PA BUR) was initiated last year to perform a thorough examination of the Public Assistance (PA) program and develop “revolutionary” ideas for redesign with the objective of significantly improving program efficiency and effectiveness. The PA BUR effort was completed in early January 2012, and the findings and recommendations resulting from this effort have been incorporated into a comprehensive plan for implementation.

Implementation will be approached as a comprehensive effort to improve overall delivery of the PA program. The effort will be executed in three concurrent work streams:

- PA Operations Doctrine & Training - Recovery will increase consistency in the delivery of the current program across Regions and disasters by ensuring staff are educated about current program policies and guidance and are implementing them appropriately and consistently.
- Debris Removal Program Enhancements - Recovery will implement the PA BUR recommendations for debris removal which leverage components of the previous debris removal pilot program.
- Permanent Work Program Enhancements - Recovery will start implementing the PA BUR recommendations for permanent work by defining new damage assessment and cost estimating procedures. Related guidance, training and performance measures will also be developed to facilitate implementation and monitoring of the new processes.

In addition, a change management plan has been developed to build a foundation for the pending programmatic changes and ensure internal and external stakeholders will be considered and included at every stage of the implementation effort. The change management plan will make certain the end state reflects the ideas of the broadest community possible and create widespread commitment to the program enhancements.

Updates on the change management and communications effort, as well as the three work streams are provided below.

CHANGE MANAGEMENT & COMMUNICATIONS

HIGHLIGHTS

- Determined the scope of the change management and communications effort.
- Developed the draft *Change Management & Communications Plan*.
 - ❑ Developed Initial Stakeholder Analysis.
 - ❑ Developed Initial Communications Strategy.



KEY MILESTONES & DELIVERABLES

Milestone	Completion Date	Owner	Deliverable	Status
Scope Change Management Effort	Feb 3	Recovery Directorate		Complete
Draft Change Management & Communications Plan	Feb 6	Recovery Directorate	Change Management & Communications Plan	Complete
Conduct Stakeholder Analysis	Feb 17	Recovery Directorate	Stakeholder Analysis	In Progress
Complete Communications Strategy	Feb 17	Recovery Directorate	Communications Strategy	In Progress
Deliver initial communications	Feb - Mar	Recovery Directorate/ External Affairs	Initial Communications	---
Congressional Briefing	Mar 9	Recovery Directorate/External Affairs		
Establish and Kick-Off PA Program Enhancements Steering Committee	Mar	PA Program Enhancements SC		---
Issue Open Letter Announcing Completion of the PA BUR	Mar	Recovery Directorate / FEMA FO	Open Letter	---
Continued Implementation of Communication Strategy	Mar and continuing	Recovery Directorate/ External Affairs		

PA OPERATIONS DOCTRINE & TRAINING

HIGHLIGHTS

- Developed initial plan for rolling out training to all Regions/States.
 - ❑ Initial rollout of training will occur at the PA conference in April 2012.
 - ❑ Region-by-Region training will follow from May to September 2012.
 - ❑ Staff will be required to pass a test following the training.
- Incorporated edits from Focus Group into operations guidance.
- Developed plan to collect feedback about program performance metrics and tools at the PA Conference in April.



- ❑ Metrics will allow managers to track program delivery to ensure consistency across Regions and disasters.
- ❑ The PA Dashboard will provide a platform for monitoring and reporting on metrics.

KEY MILESTONES & DELIVERABLES

Milestone	Completion Date	Owner	Deliverable	Status
Complete First Draft of PA Operations Guidance	Jan 20	Recovery Directorate	PA Operations Guidance (First Draft)	Completed
Focus Group to validate Guidance (First Draft)	Jan 23-24	Recovery Directorate		Completed
Post Focus Group Edits (Second Draft)	Feb 10	Recovery Directorate	PA Operations Guidance (Second Draft)	In Progress
Guidance Review (PA Steering Committee / Leadership)	Feb 24	Recovery Directorate		---
Finalize Guidance	Mar 2	Recovery Directorate	PA Operations Guidance (Final)	---
Publicize Guidance at NEMA	Mar 27	Recovery Directorate		---
Complete Draft of Training	Mar 14	Recovery Directorate	Training Content (Draft)	---
Finalize Training Content & Materials	April 13	Recovery Directorate	Training Content & Materials (Final)	---
Rollout Initial Training at PA Conference	Apr 24-27	Recovery Directorate		---
Validate Metrics and QA/QC Tools at PA Conference	Apr 24-27	Recovery Directorate	Metrics & QA/QC Tools (Draft)	---
Deliver Region-by-Region Training	May-Sept	Recovery Directorate		



DEBRIS REMOVAL PROGRAM ENHANCEMENTS

HIGHLIGHTS

- Completed Debris Removal Program Enhancements business case for briefing DHS/OMB.
- Drafted Direct Final Rule on eligibility of straight time costs and cost-share incentives.
- Solicited nominations from Regions for Debris Work Group.
 - ❑ The Debris Work Group will be comprised of Headquarters, Regional and Field Staff.
 - ❑ The Debris Work Group will be responsible for reviewing pilot program guidance and updating to reflect PA BUR recommendations.
 - ❑ The Debris Work Group will also develop training, tools and templates to prepare FEMA staff and stakeholders to implement the programmatic changes.
 - ❑ The Debris Work Group will meet for at least one week in late February or early March at Headquarters and conduct follow-on work via teleconference.

KEY MILESTONES & DELIVERABLES

Milestone	Completion Date	Owner	Deliverable	Status
Complete a comprehensive business case and work plan for the new debris removal program	Jan 31	Recovery Directorate, OCC, OCFO	Business Case & Work Plan	Completed
Draft Direct Final Rule on eligibility of straight time costs and cost-share incentives.	Jan 31	Office of Chief Counsel	Direct Final Rule (Draft)	Completed
Identify program workflow changes required	Feb	Recovery Directorate	Revised process documentation	In Progress
Brief oversight departments /agencies (NSS, OMB, DHS OIG) on enhancements to the debris removal program	Early to Mid-Feb	FEMA FO, Recovery Directorate, OCC	OMB Concurrence	Pending Scheduling
Brief key stakeholders (Key Hill Staff, NEMA, NAC, PA Steering Committee)	Feb 29	Recovery Directorate, EA		---



Milestone	Completion Date	Owner	Deliverable	Status
Complete final draft Debris Removal Enhancement Toolkit	Apr 15	Recovery Directorate	Debris Removal Enhancement Toolkit (Draft)	---
Preview the enhanced debris removal program and draft Toolkit with stakeholders at the PA Conference	Apr 24-27	Recovery Directorate		---
Finalize the Debris Removal Enhancement Toolkit	May 15	Recovery Directorate	Debris Removal Enhancement Toolkit (Final)	---
Publish Direct Final Rule on eligibility of straight time costs and cost-share incentives	June 1	OCC	Direct Final Rule (Published)	---
Publish policy changes for 30 day public comment period	June 1	OCC		---
Public comment period ends	July 1	OCC		---
Rollout training and communications for enhanced debris removal program	July 1	Recovery Directorate	Training Content & Materials	---
Publish Federal Register Notice with final policy and launch enhanced debris removal program	Aug 1	OCC, Recovery Directorate	Federal Register Notice	---



PERMANENT WORK PROGRAM ENHANCEMENTS

HIGHLIGHTS

- Developed a plan to launch the revision of damage assessment and cost estimating procedures at the PA Conference.
 - ❑ Input will be collected from PA stakeholders at the PA Conference in April 2012 in a series of breakout sessions.

KEY MILESTONES & DELIVERABLES

Milestone	Completion Date	Owner	Deliverable	Status
Launch effort to revise damage assessment and cost estimating procedures by collecting input at PA Conference	Apr 24-27	Recovery Directorate	Stakeholder Input	In Progress
Develop Action Plan for development procedures	May	PA Steering Committee	Action Plan	---
Develop revised damage assessment and cost estimating procedures	TBD	Recovery Directorate	Revised Procedures	---
Revise guidance, training and monitoring infrastructure to reflect new procedures	TBD	Recovery Directorate	Revised guidance, training and metrics	---

DECISION POINTS & PROJECT RISKS

The following decisions are required to continue project progress:

- Need approval of Debris Removal Program Enhancements business case to schedule DHS/OMB brief on debris proposal.
- Need feedback on messaging to external stakeholders on finalization of the PA BUR.

Pages 153 through 175 redacted for the following reasons:

(b)(5)