



Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date Signed:** January 9, 2001
2. **Response and Recovery Directorate Policy Number:** 9510.1
3. **Title:** Coordination Requirements for Public Assistance and Fire Management Assistance Program Documentation
4. **Purpose:** This procedure describes and refines FEMA's practices for developing and coordinating new, revised and interim policies in the 9500 series of documents and other documents related to the implementation of the public assistance and fire management assistance programs.
5. **Scope and Audience:** This procedure is an internal administrative procedure intended for FEMA staff generating or revising policies related to the public assistance and fire management assistance programs. This procedure is applicable to policies issued after October 30, 2000.
6. **Background:** FEMA supplements information contained in law and regulation with policies and other guidance documents that are intended to assure nationally consistent program implementation. The publication of this supplementary information is a long-standing practice under the internal guidance authority of 44 CFR §2.7.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act was amended by the Disaster Mitigation Act of 2000 to require public notice, comment and consultation prior to issuance of new and modified policies that could result in a significant reduction of assistance under the public assistance grant program. It also requires consultation on interim policies that are likely to result in a significant reduction of assistance under the public assistance program or that change the terms of written agreements for a disaster or emergency to which the Federal Government is a party.

In addition to the above notice, comment and consultation requirements, the amendment also requires public access to policies governing the implementation of the public assistance grant program.

This procedure documents the system for meeting the requirements of the new law and formalizes extant coordination requirements for other documents (see Paragraph 7.B.).

7. **Policy:**
 - A. FEMA issues program guidance in the form of regulations and RR9500 policy. RR9500 policies generally are issued to clarify the intent of FEMA Headquarters on

national issues, deal with new issues with broad implications, or correct inconsistent practices.

- B. FEMA issues other documents that are derived from law, regulation and policy documents. They generally restate law, regulation and policy in a user-friendly style. They include: FEMA publications (e.g., FEMA 321, FEMA 322, etc.), RR9500 fact-sheets, RR9500 job aids, and RR9500 procedures. The derivative documents may include procedural information and implementation guidance, and they may document current practices. They do not contain new or modified policy. Derivative documents are coordinated by a method determined on a case-by-case basis by the Director, Infrastructure Division (IS).

FEMA may also be a party to written agreements relating to specific disasters. Any change to those written agreements that may result in a significant reduction must be accomplished in accordance with Paragraph 7.D.5.

- C. "Significant reduction" will be defined by the Director, IS, on a case-by-base basis. Generally, the determination that there is a potential of significant reduction in assistance will be made when any part of a proposed new, modified and interim policy reduces assistance from that which is available under current national practice or policy.

D. Coordination requirements.

- 1) Coordination requirements for policies without likelihood of significant reduction of assistance:
 - a) Release by Branch Chief or Senior Policy Advisor (of the Infrastructure Division (IS)) for informal coordination with key staff within the agency,
 - b) Action Officer reconciliation of comments,
 - c) Preparation of draft policy for official comment by Regional Directors (RDs), FEMA headquarters offices, National Emergency Management Association (NEMA),ⁱ and interested members of the public,
 - d) Coordination signatures required prior to release for official comment:
 - i) IS: Action Officer, Branch Chiefs, Senior Policy Advisor, Division Director,
 - ii) Headquarters: Office of General Counsel (OGC) and other key offices, as appropriate,
 - iii) Response and Recovery Directorate (RR): Policy Advisor, Deputy Associate Director (DAD), Executive Associate Director (EAD),
 - iv) Office of the Director, FEMA (DR),
 - v) Signature and release by EAD,
 - e) Coordination by memorandum with RDs,
 - f) Coordination by letter with NEMA,ⁱⁱ
 - g) Posting on FEMA website,
 - h) Action Officer documentation and reconciliation of comments
 - i) Final coordination signatures required prior to release and posting of final policy on the FEMA website:

- i) IS: Action Officer, Branch Chiefs, Senior Policy Advisor, Division Director,
 - ii) Headquarters: OGC and other key offices, as appropriate,
 - iii) RR: Policy Advisor, DAD, EAD,
 - iv) DR,
 - v) Signature and release by EAD,

- 2) Coordination requirements for policies with likelihood of significant reduction of assistance:
 - a) Release by a Branch Chief or the Senior Policy Advisor (of the Infrastructure Division (IS)) for informal coordination with key staff within the agency,
 - b) Action Officer reconciliation of comments,
 - c) Preparation for official comment by Regional Directors, FEMA headquarters offices (including additional staff for select program areas), National Emergency Management Association (NEMA),ⁱⁱⁱ and interested members of the public,
 - d) Coordination signatures required prior to release for official comment:
 - i) IS: Action Officer, Branch Chiefs, Senior Policy Advisor, Division Director,
 - ii) Headquarters: Office of General Counsel (OGC) and other key offices, as appropriate,
 - iii) Response and Recovery Directorate (RR): Policy Advisor, Deputy Associate Director (DAD), Executive Associate Director (EAD),
 - iv) Office of the Director, FEMA (DR),
 - v) Signature and release by EAD,
 - e) Information copies to Office of Public Affairs, Office of Congressional and Legislative Affairs, and other directly affected offices,
 - f) Coordination by memorandum with RDs,
 - g) Coordination by letter with NEMA,^{iv}
 - h) Posting on FEMA website,
 - i) Publication as Notice in the Federal Register,
 - j) Action Officer documentation and reconciliation of comments,
 - k) Final coordination signatures required prior to release, posting of final policy on the FEMA website, and publication of final policy as a Notice in the Federal Register:
 - i) IS: Action Officer, Branch Chiefs, Senior Policy Advisor, Division Director,
 - ii) Headquarters: OGC and other key offices, as appropriate,
 - iii) RR: Policy Advisor, DAD, EAD,
 - iv) DR,
 - v) Signature and release by EAD,
 - vi) Posting on FEMA website and publication of Notice in Federal Register.
 - l) These policies may not be retroactive.

- 3) Occasionally, interim policies for national application are needed on an emergency basis. When this occurs, an interim national policy may be issued for

a temporary period (not to exceed 12 months). This may be done only when there is no likelihood of significant reduction in assistance. The policy expires at the end of the 12-month period. The coordination procedure is as follows:

- a) Release by Branch Chief or Senior Policy Advisor for informal coordination with key staff within the agency,
- b) Action Officer reconciliation of comments,
- c) Final coordination, as determined by the Director, Infrastructure Division,
- d) Final coordination signatures required prior to release:
 - i) IS: Action Officer, Branch Chiefs, Senior Policy Advisor, Division Director,
 - ii) Headquarters: OGC and other key offices, as appropriate,
 - iii) RR: Policy Advisor, DAD, EAD,
 - iv) DR,
 - v) Signature and release by EAD.

4) Interim national policies that may result in a significant reduction in assistance are not permitted.

5) Occasionally, an interim policy for specific disasters is required on an emergency basis. When the policy may result in a significant reduction in assistance or in a change in the terms of a written agreement concerning the declaration of the disaster or emergency to which FEMA is a party, special procedures are required:

- a) The Federal Coordinating Officer/Disaster Recovery Manager (FCO/DRM), Regional Director, IS Director, and the EAD consult and must conclude that the need for the interim policy is immediate,
- b) With EAD approval, Disaster Recovery Manager (FCO/DRM) consults to the maximum extent practicable with the grantee and subgrantees,
- c) Disaster Recovery Manager (FCO/DRM) and Regional Director consider comments and issue written policy for the disaster,
- d) EAD and IS Director consider need for the policy for national application and initiate the full notice, comment and consultation procedure.

E. Exceptions to the policy coordination requirements in this procedure must not conflict with the intent of law or regulation. Generally, exceptions include:

- a) Technical advice on application/implementation of policy,
- b) Formalization of past practice,
- c) Interpretations of law, regulation, policy or other text,
- d) Correction of policies/practices inconsistent with law, regulation, policy or national intent,
- e) Appeal decisions,
- f) Administrative issues internal primarily to FEMA systems or to FEMA headquarters.

F. Distribution.

- 1) Signed copies of final and interim policies will be transmitted by FAX to regional IS Branch Chiefs.

- 2) Copies of the signed document will be sent to each FEMA Regional Director and to headquarters and regional Response and Recovery Division Directors. In addition, as determined by the IS Senior Policy Advisor, copies also may be sent to the FEMA Inspector General, the FEMA General Counsel, the FEMA Director of Public Affairs, the FEMA Director of Congressional Affairs, the FEMA Director of Regional Operations, Infrastructure Division staff, collaborating offices at headquarters, and RR instructors.
- 3) Electronic copy. All documents affecting program implementation and intended for public use will be posted on the FEMA web site.
- 4) Official Government Record. Master file with electronic and hard copy (as well as coordination background and comment reconciliation records) are filed in the RR/IS filing system.

8. Supersession: New document

9. Authorities: Section 325, Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; 44 CFR 2.7.

10. Originating Office: Infrastructure Division, Response and Recovery Directorate

11. Review Date: Five years from date of publication

12. Signature:

Signed

Lacy E. Suiter
Executive Associate Director
Response and Recovery Directorate

13. Distribution: Regional Directors, Regional and Headquarters R&R Division Directors

ⁱ Generally, NEMA represents the State public assistance program management and is a valuable source of comments. However, there may be more appropriate organizations from which comments should be solicited, in addition to or instead of NEMA.

ⁱⁱ As above.

ⁱⁱⁱ As above.

^{iv} As above.

APPENDIX TO RR POLICY #9510.1¹

CONSULTATION PROCESS: INTERIM POLICIES FOR SPECIFIC DISASTERS

The Stafford Act requires: “Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of the grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely--

(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency”

In addition, although not required by the Stafford Act, Federal Emergency Management Agency (FEMA) may opt to solicit views and recommendations on interim policies that are not expected to result in a significant reduction of assistance to applicants.

An appropriate timetable for the sequence of steps will be established by the Federal Coordinating Officer (FCO) of the disaster to facilitate an inclusive but expeditious process for circulating the draft and soliciting views and recommendations.

Sequence

1. FEMA coordinates draft interim policy internally at regional and national levels.
2. FEMA national office approves the draft interim policy for distribution to the Grantee and potential subgrantees (tending to a more inclusive, than restricted, definition of potential subgrantees).
3. FEMA informally coordinates draft interim policy with the State Coordinating Officer (SCO) and works with the SCO to identify appropriate subgrantees from whom views and recommendations should be solicited.
4. FEMA advises national and local congressional offices (briefing as appropriate).
5. FEMA sets reasonable deadline for comments and provides the draft interim policy and instructions for commenting on it to the Grantee, keeping a record (name, organization, address, date) of to whom it was sent/given.
6. FEMA sets reasonable deadline for comments and provides the draft interim policy and instructions for commenting on it to the subgrantees, keeping a record (name, organization, address, date) of to whom it was sent/given.

¹ This Appendix provides internal implementation detail for Paragraph 7.D.5) of RR Policy #9510.1, Coordination Requirements for Public Assistance and Fire Management Assistance Program Documentation, dated January 9, 2001

