FEMA
DISASTER ASSISTANCE POLICY
INTERIM

I. TITLE: Disaster Recovery Center Services and Providers

II. DATE: OCT 1 2008

III. PURPOSE: To describe the type of general services that will be offered at a Disaster Recovery Center (DRC) and to provide guidance for allowing non-governmental entities to offer disaster assistance services in a DRC.

IV. SCOPE AND AUDIENCE: All disasters declared on or after the publication date (paragraph II), and until superseded by final policy. All personnel are directed to follow this policy.

V. AUTHORITY: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); Title 44 CFR §206.42 (a)(2); and Title 41 CFR §§102-74.

VI. DEFINITIONS:

A. **Local Resources:** Businesses or government facilities within the immediate area that customarily support, supply, or meet the needs of a community. For instance, a library or a commercial copy center meets the community's need for a place to make copies of documents.

B. **National Disaster Assistance Partners**: Non-governmental entities that have a current Memorandum of Agreement, Memorandum of Understanding, or other national agreement with FEMA that authorizes their access to a Disaster Recovery Center to offer disaster assistance services. Non-governmental entities include the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other voluntary organizations in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities.

VII. POLICY:

A. DRCs will, whenever and wherever possible, be located in fixed facilities identified and provided by the State or local jurisdiction, as appropriate. However, FEMA is also prepared to and may deploy mobile DRCs to provide temporary DRC support until fixed facilities are available.

1. DRC conduct will be governed by the General Services Administration, *Rules and Regulations Governing Conduct on Federal Property*, November 2005 (Attachment 1).

2. The Federal Coordinating Officer (FCO) or designee may, in coordination with the FEMA Safety and Security Officer, issue supplementary DRC conduct direction based on known or perceived safety or security threats.

B. The range and type of disaster assistance services offered in a DRC will be contingent upon the characteristics of the declared incident, specific recovery activities, and the availability of local resources.

1. The types of disaster assistance services that will be offered in a DRC include:

i. Access to FEMA disaster assistance programs.

ii. Access to Small Business Administration (SBA) loan programs.

iii. Information about rebuilding and repairing property.

iv. Access to other Federal, State, and local government programs (e.g., tax assistance, unemployment information, and social services benefits).

2. When warranted, other FEMA National Disaster Assistance Partners may offer additional non-governmental services, such as legal or financial counseling.

C. The FCO or designee may authorize other entities to offer disaster assistance services in a DRC when such services are in demand but not obtainable from FEMA, its partners in the DRC, or from local resources in the immediate area.

1. Prior to executing an agreement providing access to the DRC, the FCO or designee will ensure the following conditions are met:

i. There is adequate space in the existing DRC; AND:

ii. The delivery of the disaster assistance service(s) will not impede or disrupt the delivery of existing disaster services by FEMA and other partners in the DRC, AND:

iii. The entity agrees to comply with the conditions set forth in the *Agreement for Access to a DRC to Offer Disaster Assistance Services (hereinafter "Agreement")* (Attachment 2 – Model Agreement).

2. An *Agreement* is not transferable to other DRCs in the same disaster, nor does it establish a right of access in future disasters.

3. The FCO or designee has the authority to terminate any DRC access agreement.

VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Individual Assistance Division).

IX. SUPERSESSION: None

X. REVIEW DATE: One year from date of publication.

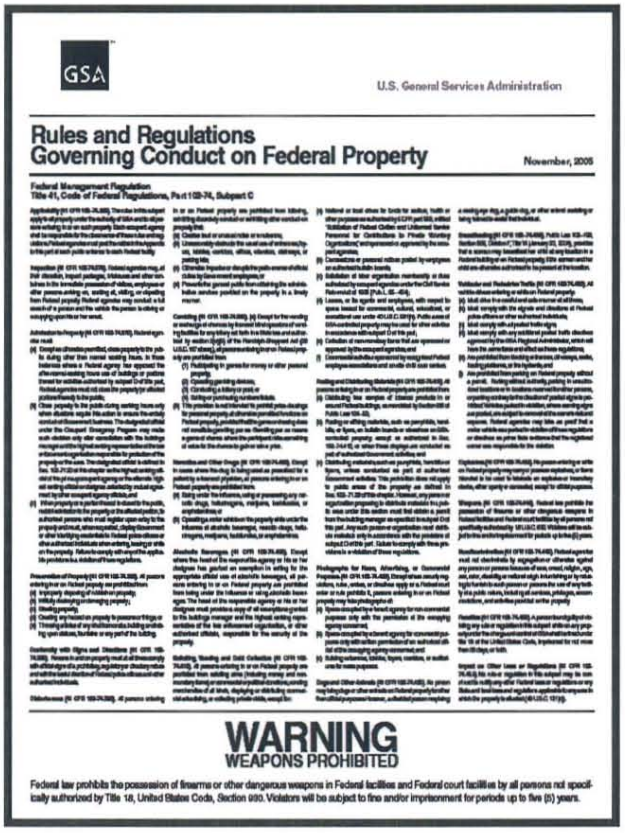
Carlos J. Castillo
Assistant Administrator
Disaster Assistance Directorate

ATTACHMENT 1

Rules and Regulations Governing Conduct on Federal Property

Federal Management Regulation
Title 41, Code of Federal Regulations,
Part 102-74, Subpart C

A copy of the U.S. General Services Administration, November 2005, Notice on *Rules and Regulations Governing Conduct on Federal Property* will be attached to this policy package.



GSA

U.S. General Services Administration

Rules and Regulations Governing Conduct on Federal Property

November, 2005

Federal Management Regulation
Title 41, Code of Federal Regulations, Part 102-74, Subpart C

WARNING
WEAPONS PROHIBITED

Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

ATTACHMENT 2 (Model Agreement)

Agreement for Access to a DRC to Offer Disaster Assistance Services

Agreement Between
[Insert Recipient Entity's Name] and the Federal Emergency Management Agency for Access to a Disaster Recovery Center (DRC) to Offer Disaster Assistance Services

THIS AGREEMENT made and entered into the _____ day of _____, 200__, by and between **[Insert recipient entity's name]** and the Federal Emergency Management Agency (hereinafter "FEMA"), U.S. Department of Homeland Security ("DHS") for the DRC **[Insert DRC RIMS Number]** located at: **[Insert site address]**.

WHEREAS, the State of _____ sustained damage of sufficient severity and magnitude as to warrant a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (hereinafter "Stafford Act") on **[Insert declaration date]** (hereinafter referred to as "FEMA-____-DR-_____");

WHEREAS, Title 44 CFR 206.42 authorizes the Federal Coordinating Officer (FCO), to establish Disaster Recovery Centers, as necessary to coordinate and monitor assistance programs, disseminate information, accept applications, and counsel individuals, families and businesses concerning available assistance;

WHEREAS, [Insert recipient entity's name] understands that access and conduct in a DRC will be governed by the *U.S. General Services Administration* (GSA) *Rules and Regulations Governing Conduct on Federal Property*, November 2005 (attached), and any supplementary direction issued by the FCO for conduct at a DRC based on known or perceived safety and security threats.

NOW, THEREFORE:

1. FEMA hereby agrees to provide, **[Insert recipient entity's name]** access to the DRC to offer disaster assistance services to individuals and households;

2. FEMA hereby agrees to provide **[Insert recipient entity's name]** a twenty-four hour notice, when feasible, before changing the days or hours of operation for the DRC, to include closing of the DRC;

3. **[Insert entity's name]** hereby agrees to abide by the *U.S. General Services Administration* (GSA) *Rules and Regulations Governing Conduct on Federal Property*, November 2005 (attached), and any supplementary direction issued by the FCO for conduct at the DRC based on known or perceived safety and security threats;

4. **[Insert recipient entity's name]** hereby agrees that access to the DRC will be limited to the posted days and hours of operations;

5. **[Insert recipient entity's name]** hereby agrees not to deny service, financial aid, or other benefit to an individual or household which is different, or is provided in a different manner, from that provided to others on the grounds of race, color, age, national origin, religion, sex, English proficiency, economic status or qualified disability;

6. **[Insert recipient entity's name]** hereby agrees to hold harmless and indemnify the United States and FEMA and be responsible for any and all claims of causes of action, including any judgment action, debt, liability costs and attorney's fees or any other request for moneys of any type arising from the disaster assistance services they offered to individuals and households;

7. **[Insert recipient entity's name]** hereby agrees that this Agreement is not transferable to other DRCs in the current disaster, nor does it establish rights of access in future disasters;

8. **[Insert recipient entity's name]** hereby agrees that their services in the facility may be revoked at any time by FEMA for any violation of the terms of this agreement;

9. This Agreement **MAY NOT** be modified;

10. Nothing in this Agreement is intended to conflict with current federal, state or local laws or regulations or the directives of DHS or FEMA. If a term of this Agreement is determined to be inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

This Agreement shall become effective on the date of last signature by the respective parties hereto:

FEMA:	**[Insert recipient entity's name]**:
_____	_____
Signature/Date	Signature/Date

U.S. General Services Administration

Rules and Regulations Governing Conduct on Federal Property

November, 2005

Federal Management Regulation
Title 41, Code of Federal Regulations, Part 102-74, Subpart C

Applicability (41 CFR 102–74.365). The rules in this subpart apply to all property under the authority of GSA and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations. Federal agencies must post the notice in the Appendix to this part at each public entrance to each Federal facility.

Inspection (41 CFR 102-74.370). Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on, working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest.

Admission to Property (41 CFR 102-74.375). Federal agencies must:

(a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working hours use of buildings or portions thereof for activities authorized by subpart D of this part, Federal agencies must not close the property (or affected portions thereof) to the public;

(b) Close property to the public during working hours only when situations require this action to ensure the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in Sec. 102-71.20 of this chapter as the highest ranking official of the primaryoccupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials; and

(c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of these regulations.

Preservation of Property (41 CFR 102-74.380). All persons entering in or on Federal property are prohibited from:

(a) Improperly disposing of rubbish on property;
(b) Willfully destroying or damaging property;
(c) Stealing property;
(d) Creating any hazard on property to persons or things; or
(e) Throwing articles of any kind from or at a building or climbing upon statues, fountains or any part of the building.

Conformity with Signs and Directions (41 CFR 102-74.385). Persons in and on property must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

Disturbances (41 CFR 102-74.390). All persons entering in or on Federal property are prohibited from loitering, exhibiting disorderly conduct or exhibiting other conduct on property that:

(a) Creates loud or unusual noise or a nuisance;
(b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;
(c) Otherwise impedes or disrupts the performance of official duties by Government employees; or
(d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner.

Gambling (41 CFR 102-74.395). (a) Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.), all persons entering in or on Federal property are prohibited from:

(1) Participating in games for money or other personal property;
(2) Operating gambling devices;
(3) Conducting a lottery or pool; or
(4) Selling or purchasing numbers tickets.

(b) This provision is not intended to prohibit prize drawings for personal property at otherwise permitted functions on Federal property, provided that the game or drawing does not constitute gambling per se. Gambling per se means a game of chance where the participant risks something of value for the chance to gain or win a prize.

Narcotics and Other Drugs (41 CFR 102-74.400). Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from:

(a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or
(b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines.

Alcoholic Beverages (41 CFR 102-74.405). Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

Soliciting, Vending and Debt Collection (41 CFR 102-74.410). All persons entering in or on Federal property are prohibited from soliciting alms (including money and nonmonetary items) or commercial or political donations, vending merchandise of all kinds, displaying or distributing commercial advertising, or collecting private debts, except for:

(a) National or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950, entitled "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations," and sponsored or approved by the occupant agencies;
(b) Concessions or personal notices posted by employees on authorized bulletin boards;
(c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95– 454);
(d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under 40 U.S.C. 581(h). Public areas of GSA-controlled property may be used for other activities in accordance with subpart D of this part;
(e) Collection of non-monetary items that are sponsored or approved by the occupant agencies; and
(f) Commercial activities sponsored by recognized Federal employee associations and on-site child care centers.

Posting and Distributing Materials (41 CFR 102-74.415). All persons entering in or on Federal property are prohibited from:

(a) Distributing free samples of tobacco products in or around Federal buildings, as mandated by Section 636 of Public Law 104–52;
(b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in Sec. 102–74.410, or when these displays are conducted as part of authorized Government activities; and
(c) Distributing materials, such as pamphlets, handbills or flyers, unless conducted as part of authorized Government activities. This prohibition does not apply to public areas of the property as defined in Sec.102–71.20 of this chapter. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager as specified in subpart D of this part. Any such person or organization must distribute materials only in accordance with the provisions of subpart D of this part. Failure to comply with those provisions is a violation of these regulations.

Photographs for News, Advertising, or Commercial Purposes (41 CFR 102-74.420). Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of:

(a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;
(b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and
(c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.

Dogs and Other Animals (41 CFR 102-74.425). No person may bring dogs or other animals on Federal property for other than official purposes. However, a disabled person may bring a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.

Breastfeeding (41 CFR 102–74.426). Public Law 108–199, Section 629, Division F, Title VI (January 23, 2004), provides that a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Vehicular and Pedestrian Traffic (41 CFR 102-74.430). All vehicle drivers entering or while on Federal property:

(a) Must drive in a careful and safe manner at all times;
(b) Must comply with the signals and directions of Federal police officers or other authorized individuals;
(c) Must comply with all posted traffic signs;
(d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as these regulations;
(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and
(f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of these regulations or directives as prima facie evidence that the registered owner was responsible for the violation.

Explosives (41 CFR 102-74.435). No person entering or while on Federal property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

Weapons (41 CFR 102-74.440). Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

Nondiscrimination (41 CFR 102-74.445). Federal agencies must not discriminate by segregation or otherwise against any person or persons because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

Penalties (41 CFR 102-74.450). A person found guilty of violating any rule or regulation in this subpart while on any property under the charge and control of GSA shall be fined under title 18 of the United States Code, imprisoned for not more than 30 days, or both.

Impact on Other Laws or Regulations (41 CFR 102-74.455). No rule or regulation in this subpart may be construed to nullify any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (40 U.S.C. 121(c)).

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