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**INFORMATION MEMORANDUM**

**To:** State, Territorial, and Tribal Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act, as amended, and other interested parties.

**Subject:** Transmittal of Federal Emergency Management Agency (FEMA) guidance on the reimbursement of child care services under the Public Assistance (PA) Program and Individuals and Households Program (IHP) during presidentially declared disasters and emergencies. This Information Memorandum supersedes the previously issued CCDF-ACF-IM-2010-01, Transmittal of Federal Emergency Management Agency (FEMA) Disaster Assistance Fact Sheet – Public Assistance for Child Care Services.

**References:** The CCDBG Act, as amended (42 U.S.C §9857 *et seq.*); Section 418 of the Social Security Act (42 U.S.C. §618); 45 CFR Parts 98 and 99; sections 403(a)(3), 406, 408, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121-5207); 44 CFR Part 206; 75 FR 13777-13778; and the Sandy Recovery Improvement Act of 2013 (P.L. 113-2).

**Purpose:** This Information Memorandum transmits guidance on the FEMA Public Assistance Program and Individuals and Households Program regarding reimbursement for child care services during federally declared major disasters and emergencies and provides guidance to CCDF grantees regarding certain reimbursable activities. Grantees are encouraged to share this guidance with their State, Territorial, Tribal, or local emergency management officials.

**Background:** After a disaster or emergency, child care can be an important human service activity needed to help protect the safety of children and support the stabilization of families and communities. Many CCDF Lead Agencies have responsibility for assisting State, Territory, Tribal, or local governments with the provision of temporary child care in the aftermath of a disaster, supporting child care providers in their efforts to rebuild and repair damaged facilities, and ensuring continuity of care and services for families receiving assistance through the CCDF program. As the primary federal agency responsible for supporting State and local efforts to respond to and recover from disasters, FEMA provides reimbursement through the Public Assistance (PA) grant program to assist State, Territorial, Tribal, or local government and eligible Private Non-

Profit<sup>1</sup> (PNP) organizations, including eligible child care providers, so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. The PA Program provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of eligible PNP organizations. The reimbursement of costs for certain child care services may be eligible as emergency protective measures. The Federal cost share of such assistance will normally be 75 percent of the eligible cost.

In addition, the **Appendix** contains information about FEMA's Individuals and Households Program (IHP), under which FEMA may provide financial assistance for individuals and households who have an increased financial burden for post-disaster child care expenses as a result of a federally declared major disasters or emergency situations. IHP Child Care Assistance is designed to help families with critical child care expenses that cannot be covered by other sources of assistance. The Sandy Recovery Improvement Act of 2013 (P.L.113-2), authorized FEMA to provide Child Care Assistance under the Other Needs Assistance (ONA) provision of the IHP<sup>2</sup>. The Federal share of ONA, including Child Care Assistance, is 75 percent of the eligible costs.

**Guidance:** The mission of FEMA Public Assistance (PA) Program is to provide assistance to States, Territories, Tribal and local governments, and certain types of PNP organizations, so that communities can quickly respond to emergencies and recover from major disasters declared by the President. Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly owned facilities, (including child care facilities) and the facilities of certain PNP organizations. The Stafford Act 42 CFR §5121 *et seq* authorizes the President to provide Federal assistance when the magnitude of an emergency or major disaster exceeds the affected State, Territory, Tribal or local governments capabilities to respond or recover. See chapter 1 of the [FEMA's Public Assistance and Policy Guide \(PAPPG\)](#) for more information about the PA Program. The Guide is available at: [https://www.fema.gov/media-library-data/1515614675577-be7fd5e0cac814441c313882924c5c0a/PAPPG\\_V3\\_508\\_FINAL.pdf](https://www.fema.gov/media-library-data/1515614675577-be7fd5e0cac814441c313882924c5c0a/PAPPG_V3_508_FINAL.pdf).

Overview of the PA Program Process: The State Governor or the Tribal Chief Executive must request a declaration from the President through FEMA within 30 days of the incident. FEMA may extend the deadline if the Governor or Indian Tribal Chief Executive submits a written time extension request within 30 days of the incident stipulating the reason for the delay. In order For FEMA to reimburse child care assistance under the PA Program, the President must declare that an emergency or major disaster exists in the designated area. After the President declares a major disaster or emergency in the designated area, the State, Territory, Tribal, or local government, assisted by FEMA, conducts the applicant briefing to inform local governments and PNP

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<sup>1</sup> Under the federal disaster assistance regulations at 44 CFR 206.221(f) private nonprofit organization means any nongovernmental agency or entity that currently has: An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or satisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law.

<sup>2</sup> Individuals and Households Program Unified Guidance (IHPUG) (September 2016)  
<https://www.fema.gov/ihp-unified-guidance>.

organizations about the assistance available and how to apply for it. Applicants have 30 days following the area declaration or designation to request Public Assistance using the Request for Public Assistance.<sup>3</sup>

General PA Eligibility: FEMA provides assistance to eligible Applicants as defined below:

- A. State and Territorial Governments: State and Territorial governments, including the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands, are eligible Applicants.
- B. Indian Tribal Governments: Federally recognized Indian Tribal Governments, including Alaska Native villages and organizations are eligible Applicants. Alaska Native Corporations are not eligible as they are privately owned.
- C. Local Governments: The following types of local governments are eligible Applicants:
  - Counties and parishes;
  - Municipalities, cities, towns, boroughs, and townships;
  - Local public authorities;
  - School districts;
  - Intrastate districts;
  - Councils of governments (regardless of whether incorporated as nonprofit corporations under State law);
  - Regional and interstate government entities;
  - Agencies or instrumentalities of local governments;
  - State-recognized Tribes; and
  - Special districts established under State law.
    - Community Development Districts are special districts that finance, plan, establish, acquire, construct or reconstruct, operate, and maintain systems, facilities, and basic infrastructure within their respective jurisdictions. To be eligible, a Community Development District must be legally responsible for ownership, maintenance, and operation of an eligible facility that is accessible to the general public.

The State or a political subdivision<sup>4</sup> of the State may submit applications on behalf of rural Communities, unincorporated towns or villages, and other public entities not listed above.

- D. Private Nonprofit Organizations: Only certain Private Nonprofit (PNP) organizations are eligible Applicants. To be an eligible PNP Applicant, the PNP must show that it has:
  - A current ruling letter from the U.S. Internal Revenue Service granting tax exemption under sections 501 (c), (d), or (e) of the Internal Revenue Code of 1954; or

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<sup>3</sup> Page 131: FEMA's Public Assistance and Policy Guide (PAPPG): [https://www.fema.gov/media-library-data/1515614675577\\_be7fd5e0cac814441c313882924c5c0a/PAPPG\\_V3\\_508\\_FINAL.pdf](https://www.fema.gov/media-library-data/1515614675577_be7fd5e0cac814441c313882924c5c0a/PAPPG_V3_508_FINAL.pdf).

- Documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.

Additionally, FEMA must first determine whether the PNP owns or operates an eligible facility. For PNPs, an eligible facility is one that provides an eligible service as listed below:

- A facility that provides a critical service, which is defined as education, utility, emergency, or medical; or
- A facility that provides a non-critical, but essential governmental service AND is open to the general public. PNP facilities generally meet the requirement of being open to the general public if all of the following conditions are met:
  - Facility use is not limited to any of the following:
    - A certain number of individuals;
    - A defined group of individuals who have a financial interest in the facility, such as a condominium association;
    - Certain classes of individuals; or
    - An unreasonably restrictive geographical area, such as a neighborhood within a community;
  - Facility access is not prohibited with gates or other security systems; and
  - Any membership fees meet all of the following criteria:
    - Are nominal;
    - Are waived when an individual can show inability to pay the fee;
    - Are not of such magnitude to preclude use by a significant portion of the community; and
    - Do not exceed what is appropriate based on other facilities used for similar services.

In cases where the facility provides multiple services, such as a community center, FEMA reviews additional items to determine the primary service that facility provides, such as:

- U.S. Internal Revenue Service documentation;
- Pre-disaster charter, bylaws, and amendments; and
- Evidence of longstanding, routine (day-to-day) use (e.g., a calendar of activities).

Facilities established or primarily used for political, athletic, recreational, vocational, or academic training, conference, or similar activities are not eligible.

See page 12 of [FEMA's Public Assistance and Policy Guide \(PAPPG\)](#) for more information the Public Assistance (PA) Program.

Funding for Child Care Costs Falls Under Public Assistance - Category B Emergency Protective Measures Under Emergency Work: Emergency Protective Measures conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health, or safety; OR
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.

FEMA may require certification by Federal, State, Territorial, Tribal, or local government officials that a threat exists, including:

- Identification and evaluation of the threat; and
- Recommendations of the work necessary to cope with the threat.

#### Saving Lives and Protecting Public Health and Safety

The following is a list of emergency protective measures and costs that are eligible. These actions save lives or protect public health or safety. This list is not all-inclusive. Some of these actions are discussed in detail below.

- Transporting and pre-positioning equipment and other resources for response;
- Flood fighting;
- Emergency Operation Center (EOC) related costs;
- Emergency access;
- Supplies and commodities;
- Medical care and transport;
- Evacuation and sheltering, including that provided by another State or Tribal government;
- **Child care;**
- Safety inspections;
- Animal carcass removal;
- Demolition of structures;
- Search and rescue to locate survivors, household pets, and service animals requiring assistance;
- Fire fighting;
- Security, such as barricades, fencing, or law enforcement;
- Use or lease of temporary generators for facilities that provide essential community services;
- Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns;
- Searching to locate and recover human remains;
- Storage and interment of unidentified human remains; and
- Mass mortuary services.

See page 59 of FEMA's Public Assistance Program and Policy Guide for additional information.

The following are the minimum requirements for work to be eligible for FEMA Public Assistance funds:

- The work must be required as a result of the declared incident;
- The work must be located within the designated area, with the exception of sheltering and evacuation activities; and
- The work must be the legal responsibility of an eligible applicant.

FEMA may reimburse State, Territory, local, federally recognized Tribal governments and certain private non-profit entities for the cost of providing child care services necessary as a result of a major disaster or emergency declared by the President under the

Stafford Act. There are three types of child care costs/activities that may be eligible for reimbursement under the PA program: (1) emergency sheltering; (2) temporary child care services; and (3) temporary relocation facilities and permanent repairs.

Emergency Sheltering: FEMA has established that a State, Territory, Tribal or local government may be reimbursed through the PA program for costs associated with providing licensed child care services to families as part of emergency sheltering efforts, including the operation of stand-alone child care centers. This includes reimbursement for the eligible costs to provide services and for the facility and its operations (e.g., labor costs, supplies and commodities). The State or local government may use its own resources directly or can contract with a private entity to provide temporary child care services.

The PA program may reimburse the following eligible costs for child care:

- **Labor Costs.** For regular employees of an eligible applicant who perform work in direct support of child care services for sheltered populations, labor costs are reimbursed consistent with applicable statutes and regulations. Regular-time and overtime pay for contract labor (including through mutual aid agreements and memoranda of understanding) or temporary hires needed to accomplish the emergency work may also be eligible for reimbursement.
- **Facility Costs.** If a State, local, or Tribal government provides services within a shelter facility or establishes and operates child care services for shelter residents in a separate facility, eligible costs may include:
  - Minor modifications to a facility if necessary to make it functional as a child care facility;
  - Facility lease or rent (at the market rate);
  - Utilities, such as power, water, and telephone;
  - Facility safety and security; and
  - Cleaning (regular facility and linen cleaning) and restoration (to return the facility to its condition prior to use as a child care facility).
- **Supplies and Commodities.** Eligible costs for supplies and commodities includes:
  - Food and beverages;
  - Cots/cribs/linens/blankets/pillows/tables/chairs;
  - Toys and books; and
  - Refrigerators, microwaves, and crock pots (e.g., for heating bottles).

All costs must be reasonable and necessary to accomplish the eligible work; compliant with Federal and State requirements for competitive procurement (including 2 CFR Part 200); and reduced by all applicable credits and salvage values. Reimbursement for costs related to the provision of child care services for sheltered populations are subject to the Category B cost share established for the declared event and will end when section 403 emergency sheltering operations (including congregate and non-congregate) end.

Temporary Child Care Services: Under the PA program, FEMA may reimburse State, Territory, Tribal and local governments and certain PNP organizations for the cost of providing child care services to disaster survivors, not just those who are located in shelters. In accordance with 44 CFR 206.225, the FEMA Regional Administrator may require certification that temporary child care services are a necessary measure to meet an

immediate threat to life, public health and safety, or property following a declared event. As such, the applicant's emergency actions should be independent of any expectation of FEMA reimbursement. If an eligible applicant requests reimbursement for these temporary child care services, FEMA would make an eligibility determination as they would for any other emergency protective measure and the applicant would have to meet all eligibility requirements, including providing documentation to show that it has the legal responsibility to perform the work. This assistance is provided pursuant to Section 403(a)(3)(D) of the Stafford Act, which authorizes the provision of temporary facilities for schools and other essential community services, including child care facilities, essential to meeting immediate threats to life and property resulting from a major disaster.

Temporary Relocation Facilities and Permanent Repairs: Under the PA program, FEMA may reimburse eligible applicants (State, Territory, local, federally recognized Tribal governments and eligible PNP organizations) for eligible costs for repair, restoration, or replacement of damaged or destroyed child care facilities. For private non-profit organizations to be considered for reimbursement, the applicant must first apply for a disaster loan through the Small Business Administration (SBA). If SBA does not approve the loan or approves a loan for less than the amount required to repair the disaster damage, the applicant may apply to FEMA for assistance for the difference. Child care providers that are not eligible governmental entities or PNP owners and operators of child care facilities are not considered eligible applicants for FEMA reimbursement.

- Temporary Relocation Facilities. Section 403(a)(3)(D) of the Stafford Act authorizes the provision of temporary facilities for schools and other essential community services, including child care facilities. FEMA may provide assistance for the lease, purchase, or construction of temporary facilities to allow an eligible applicant to reestablish child care services it provided prior to the disaster. (See FEMA Recovery Policy RP9523.3, *Provision of Temporary Relocation Facilities*, for information related to eligible temporary relocation costs.)
- Repair, Restoration, or Replacement of Public and Private Nonprofit Facilities. Section 406 of the Stafford Act authorizes the permanent repair, restoration, or replacement of public and PNP facilities, including child care facilities. Before a PNP applicant may receive reimbursement from FEMA for permanent work, the PNP applicant must first apply for a disaster loan from the U.S. Small Business Administration (SBA). Child care providers that are not eligible governmental entities or PNP owners and operators of child care facilities are not considered eligible applicants for FEMA reimbursement.

Required Documentation for PNPs:

- PNP Facility Questionnaire (FEMA Form 90-121) available at <http://www.fema.gov/media-library/assets/documents/10579?id=2726>.
- A current ruling letter from the Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; OR documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.
- If the Applicant owns the facility, proof of ownership.
- If the Applicant leases the facility, proof of legal responsibility to repair the incident-related damage.
- List of services provided in the facility and when and to whom.

**Questions:** Direct inquiries to the Child Care Program Manager in the appropriate [ACF Regional Office](#) [FEMA Regional Office](#).

/s/

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Director  
Office of Child Care



## APPENDIX: Fact Sheet on FEMA Individuals and Households (IHP) Program

### Overview

When a State, Territorial, or Tribal government determines an incident has exceeded their capabilities to respond, the Governor or Tribal Chief Executive may request a declaration from the President through FEMA. For FEMA to provide assistance, the President must declare a major disaster or emergency exists. The declaration establishes the designated areas, incident period, type of incident, types of assistance, and Federal cost share. FEMA coordinates with the respective State, Territorial, or Tribal government to deliver Individual Assistance, including the Individuals and Households Program (IHP). IHP Assistance is limited to 18 months following the date of the disaster declaration. The period of assistance begins at the date of the Presidential declaration and not the date on which the disaster is designated for Individual Assistance. The President may, at the State's request, extend the period of assistance due to extraordinary circumstances.

FEMA provides financial assistance under the Other Needs Assistance (ONA) provision of the IHP to eligible individuals and households who have a disaster-caused increased financial burden for child care. FEMA may provide financial assistance to address disaster-caused child care costs for eligible households with children aged 13 years and under; and/or children aged 14 years up to 18 years with a disability, as defined by federal law, who need assistance with activities of daily living. FEMA compares the household's pre- and post-disaster child care costs to determine if there is an increased financial burden. If there is an increased financial burden, the applicant may be eligible for a financial grant for Child Care Assistance through IHP. The applicant is responsible for submitting all required documentation to be eligible for financial assistance. FEMA will award a one-time payment for Child Care Assistance for the household's documented increased financial burden for up to eight cumulative weeks of child care expenses, plus any documented eligible expenses, up to the maximum amount of assistance established by the State, Territory, or Tribal government. Each fiscal year, the maximum amount of financial IHP Assistance provided to eligible applicants under a single disaster is adjusted based on the Department of Labor Consumer Price Index and is published in the Federal Register. For each type of ONA, to include Child Care Assistance, the affected State, Territorial, or Tribal government establishes the maximum amount of assistance that may be awarded. FEMA's one-time payment will not exceed the maximum amount of Child Care Assistance determined by the State, Territorial, or Tribal government.

### Eligibility

Individuals and households who have a disaster-caused increased financial burden for child care expenses must meet the following criteria to be considered for IHP Child Care Assistance:

- The applicant must be a US citizen, non-citizen national, or qualified alien.
  - If an applicant does not meet this criterion a household may still apply for and be considered for IHP Assistance if:
    - Another adult household member meets the citizenship requirement and signs the Declaration and Release form (FEMA Form 009-0-3).
    - The parent or guardian of a minor child who is a US citizen, non-citizen national, or a qualified alien applies for assistance on behalf of the child, as long as they live in the same household. The parent or legal guardian must register as the co-applicant.
- FEMA must be able to verify the applicant's identity.
- The applicant's insurance, or other forms of disaster assistance received, cannot meet their disaster-caused needs.
- The applicant's necessary expenses and serious needs are directly caused by a declared disaster.

- Applicants must have a disaster-caused increase in financial burden for child care through an increase in child care costs and/or a decrease in gross household income.
  - For example, if the household's pre-disaster income was \$3500 per week and pre-disaster child care costs were \$750 per week, child care costs were 21.4% of the household's income pre-disaster. If the post-disaster income is \$3500 per week and post-disaster child care costs are \$1,000 per week, child care costs are now 28.6% of the household's income post-disaster.
- Certify they cannot utilize child care services provided by any other source (e.g., other federal assistance for child care, private employer child care services, etc.).
- The applicant's post-disaster child care provider must be licensed, regulated, or registered under applicable State, local, Territorial, or Tribal government law to qualify for assistance.

### Assistance Limits

- Total financial IHP Assistance under a single disaster cannot exceed the fiscal year maximum amount.
- A State, Territorial, or Tribal government establishes the maximum amount Child Care Assistance.
- FEMA will only provide Child Care Assistance to one applicant on behalf of the child or children.
- If a child is a member of multiple households, FEMA will only award assistance to the parent/guardian responsible for child care costs after the disaster.
- FEMA limits Child Care Assistance to up to eight cumulative weeks of child care, plus any eligible expenses, or the maximum amount of assistance established by the State, Territorial, or Tribal government, whichever is less.

### Applying for FEMA Assistance

The standard FEMA registration period is 60 days following the date the President declares a disaster for a designated area. The FEMA Regional Administrator or their designee may extend the registration period. After the end of the registration period, FEMA will accept late registrations for an additional 60 days. However, in order for FEMA to process late registrations, disaster survivors must write a letter to FEMA with the details of the extenuating circumstances that prevented them from applying for assistance in a timely manner with accompanying documentation, if applicable.

Individuals and households in the FEMA designated disaster area may apply for assistance through one of the following application methods:

Internet (English: [www.disasterassistance.gov](http://www.disasterassistance.gov); Spanish: [www.disasterassistance.gov/es](http://www.disasterassistance.gov/es) ) Smartphone Application (download from [www.fema.gov](http://www.fema.gov) or through a mobile provider's application store).

- Toll-Free Helpline
  - Register for assistance or check application status: 800-621-3362.
  - Disaster survivors who are deaf, hard of hearing, or have a speech disability and use a TTY may call: 800-462-7585.
  - Disaster survivors who use American Sign Language to communicate and have access to Video Relay Service equipment may call: 800-621-3362.
  - Disaster survivors who utilize a telecommunications Relay Service (i.e., 711) may call: 800-621-3362.
- Disaster Recovery Centers – equipped to accommodate disaster survivors who need disability-related communication aids.
- Disaster Survivor Assistance Teams (when deployed).

### Required Documentation/Information Needed to Complete FEMA Application

In order to register for FEMA assistance, an applicant must submit:

- Name and Social Security Number of the primary applicant and secondary/co-applicant (if applicable). If the child is the primary applicant, the parent or guardian must be a co-applicant.
- Current and pre-disaster address.
- Names of all occupants of the pre-disaster household.
- Current contact information.
- Types of insurance held by the household.
- Household pre-disaster annual gross income.
- Losses caused by the disaster.
- Banking information for direct deposit of financial assistance, if requested.

### Required Documentation/Information for Child Care Assistance

- Pre- and post-disaster gross household income documentation.
- Pre-disaster receipts or an affidavit for child care expenses, if receipts cannot be located.
- Post-disaster receipts or estimates for child care fees, registration, and/or health inventory fees (see below for more information on inventory fees).
- A child care provider's license, if the information cannot be located within a respective State, local, Territorial, or Tribal government's licensed provider database.
- A child care contract or agreement.
- Medical professional's statements, if applicable, to verify disability for children aged 14 up to 18 in need of care.
- A written statement from the applicant acknowledging:
  - The expected length of time the applicant believes they will have a disaster-caused need for Child Care Assistance.
  - The applicant is not receiving assistance from another source that meets their child care needs. This may include services that are free of charge; assistance from the State, local, Territorial, or Tribal government; compensation from any other government organization; assistance from their employer; etc.
  - The information is true and correct.

### Registration and Health Inventory Fee for Child care

Under the IHP Assistance regulations, registration and health inventory fees may be eligible expenses for applicants who require a new child care service provider. A registration fee is a one-time fee when registering an eligible child at an authorized child care provider. A health inventory fee is a medical office fee for processing required medical paperwork as part of the registration process.

### Exclusions

FEMA will not provide assistance for any of the following under Child Care Assistance:

- Fees for extra-curricular activities and additional services (e.g., school photographs, field trips)
- Optional fees that do not alter the day-to-day child care services provided to the eligible child (e.g., prepared lunches, snacks, facility-provided linens, etc.).
- Fuel expenses related to transporting the child to and from the child care provider (e.g., school bus service).
- Education services (e.g., after-school tutoring).
- Medical care or services.
- Recreational camps or clubs.

## MORE INFORMATION

- More information about the Individuals and Households Program (IHP) can be found in the FEMA Individuals and Households Program Unified Guidance (IHPUG) FP 104-009-3 / September 30, 2016. <https://www.fema.gov/ihp-unified-guidance>.
- FEMA Regional Contacts  
<https://www.fema.gov/fema-regional-contacts>.
- FEMA Regional Tribal Liaison Contacts  
<https://www.fema.gov/tribal-contacts>.