FEMA

NATIONAL DISABILITY RIGHTS NETWORK

Protection & Advocacy for Individuals with Disabilities

MEMORANDUM OF AGREEMENT

BETWEEN

THE FEDERAL EMERGENCY MANAGEMENT AGENCY/ UNITED STATES DEPARTMENT OF HOMELAND SECURITY

AND

THE NATIONAL DISABILITY RIGHTS NETWORK

FEMA

NATIONAL DISABILITY RIGHTS NETWORK
Protection & Advocacy for Individuals with Disabilities

I. PARTIES

The parties to this Agreement are the Federal Emergency Management Agency/United States Department of Homeland Security (collectively FEMA) and the National Disability Rights Network (NDRN).

II. AUTHORITY

This Agreement is authorized under section 309(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5152(b).

III. PURPOSE

This Memorandum of Agreement (MOA) provides a frame of reference within which the Federal Emergency Management Agency and National Disability Rights Network will cooperate to carry out their respective responsibilities in preparedness, response, recovery and mitigation operations in the event of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

IV. MISSIONS

Federal Emergency Management Agency – FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

National Disability Rights Network - NDRN's mission is to promote the integrity and capacity of the Protection and Advocacy (P&A) and Client Assistance Programs (CAP) national network and to advocate for the enactment and vigorous enforcement of laws protecting civil and human rights of people with disabilities.

V. BACKGROUND

1. Federal Emergency Management Agency (FEMA):

Section 309(b) of the Stafford Act , 42 U.S.C. 5152(b), authorizes the FEMA Administrator (as delegated by Executive Order 12148), to enter into agreements with NDRN and other relief or disaster assistance organizations. Section 309 (b) requires that any such agreement include provisions assuring that use of Federal facilities, supplies, and services are in compliance with FEMA's regulations, which prohibit the duplication of benefits and guarantee non-discrimination in disaster assistance.

Further, Section 302 of the Stafford Act, 42 U.S.C. 5143, provides for the appointment, immediately upon the President's declaration of a major disaster or emergency, of a Federal Coordinating Officer (FCO). One of the discretionary functions of the FCO is to coordinate the administration of response and recovery activities of voluntary organizations, such as NDRN, which agree to operate under the FCO's advice or direction. Section 302(b) allows FEMA to use the personnel and facilities of consenting relief and disaster assistance organizations to distribute medicine, food, supplies, and other items and to restore community services, housing, and other essential facilities.

FEMA's activities related to delivering assistance to individuals and communities include:

- Provision of assistance to State and local governments for preparedness planning to develop the capability to respond to disasters and emergencies.

- Provision of information and technical assistance to state and local governments to identify risks and to mitigate damage from natural hazards to new and existing structures.

- Development of community awareness programs for all hazards.
- Design, conduct, and evaluation of Federal, Regional, and State exercises to test disaster-related response and recovery capabilities.
- Coordination of Federal, State, and private disaster relief and recovery actions, including the administration of the Individuals and Households Program, and provision of oversight, technical assistance, and funding to the Other Needs Assistance Provision, Disaster Legal Services, Disaster Case Management, Crisis Counseling, and Disaster Unemployment Assistance.
- Liaison support of the National Voluntary Organizations Active in Disaster (NVOAD) and support of the NVOAD mission of cooperation, communication, coordination, and collaboration between government and non-governmental organizations.
- Improvement of State and local fire prevention programs through training and education.
- Administration of programs to assist individuals and businesses to obtain insurance protection against floods.
- Coordination of warning systems for disasters.
- Coordination of Federal activities concerning international civil emergency planning.

2. National Disability Rights Network

The National Disability Rights Network (NDRN) is the nonprofit membership organization for the federally mandated P&A Systems

and CAPs serving individuals with disabilities. Collectively, the P&A/CAP network is the largest provider of legally-based advocacy services to people with disabilities in the United States. Through training and technical assistance, legal support, and legislative advocacy, the National Disability Rights Network works to create a society in which people with disabilities are afforded equality of opportunity and are able to fully participate by exercising choice and self-determination.

NDRN members serve a wide range of individuals with disabilities – including, but not limited to, those with cognitive, mental, sensory, and physical disabilities – by guarding against abuse; advocating for basic rights; and ensuring accountability in health care, education, employment, housing, transportation, and within the juvenile and criminal justice systems.

NDRN has daily contact with P&As and CAPs nationally and provides training and technical assistance to its members. NDRN's goals and activities are based on its understanding of the needs and capacities of the P&A/CAP network.

NDRN member activities related to delivering assistance to individuals with disabilities and communities include:

- Monitoring and Investigating Allegations of Abuse & Neglect
- Ensuring Compliance with the ADA/Section 504
- Ensuring the Acquisition, Utilization, and Maintenance of Assistive Technology Devices
- Ensuring Compliance with Community Integration Mandates
- Ensuring Access to Housing

- Ensuring Access to Medicare/Medicaid
- Ensuring Compliance with Voting Rights Laws

VI. COORDINATION OF EFFORT

FEMA and NDRN agree to cooperate to provide timely assistance to those individuals and communities affected by major disasters and emergencies within the United States. They shall each continuously seek to improve methods and systems by which they may cooperate to utilize their mutual resources in combination to provide assistance. Each will submit a point of contact or contacts list to be contacted during operations. The point of contact list will be updated annually by FEMA's Assistant Administrator for the Recovery Directorate or designee and NDRN's Emergency Coordinator but can be updated immediately if there is a personnel change.

Both parties agree to be cooperative at all levels and all phases of the emergency management cycle - preparedness, response, recovery and mitigation. This cooperation and sharing of resources shall include but not be limited to the following:

1. **FEMA agrees to:**

   A. Notify the NDRN office headquartered in Washington, D.C. of each major disaster and emergency declaration and provide situation reports as appropriate.

   B. Assist NDRN in disaster response and recovery activities by facilitating the temporary use of FEMA facilities, equipment and supplies, as appropriate, when NDRN is engaged in providing relief during and after a major disaster or emergency, insofar as governmental regulations, resources, and priorities allow. Separate use agreements may be implemented, as appropriate, to document specific requirements and terms.

C. Notify the NDRN office of FEMA training and educational opportunities and materials on matters concerning preparedness, response, recovery and mitigation, including, but not limited to, Emergency Support Function (ESF) #6 – Mass Care, Emergency Assistance, Housing, and Human Services and assist in covering costs for NDRN participants, if determined reasonable and appropriate and if funding is made available.

D. Support NDRN training oriented to development of community-based preparedness, mitigation, and long-term disaster recovery programs by providing technical and coordination support to NDRN Training and Advocacy Support Center (TASC) and other training opportunities as appropriate.

E. Notify the Executive Director of the NDRN of changes in FEMA disaster assistance regulations and procedures.

F. Distribute copies of this MOA to the FEMA Federal Coordinating Officers, Regional offices and other appropriate Federal agencies, which respond to major disaster and emergency declarations.

G. Encourage development of similar agreements by state emergency management agencies with NDRN, for non-declared or state-declared actions.

2. The NDRN agrees to:

A. Establish, and update as needed, procedures by which it can respond, subject to need and available resources, to requests from FEMA for pre-disaster preparedness, recovery orientations and case management. Initially, in the event of a major disaster or emergency, NDRN would expect to activate national/ regional members to assist as an advisor to FEMA's Assistant Administrator for the Recovery Directorate and/or the Federal Coordinating Officer's (FCO) designee. NDRN will also respond to requests from FEMA for their advocacy services in connection with

declared major disasters or emergencies by the President, but shall not be obligated to do so.

B. Establish a service delivery plan that will include, at a minimum, a script for use by members in speaking with disaster survivors and a system for interacting with other financial entities to obtain volunteers in a timely manner.

C. Disseminate FEMA emergency management information, as appropriate, through its organization and disaster relief operations.

D. Comply with regulations promulgated by FEMA under the Stafford Act guaranteeing non-discrimination and prohibiting duplication of benefits. See Title 44 Code of Federal Regulations §206.11 and § 206.91 respectively.

VII. SUMMARY

This MOA affirms the determination of NDRN and FEMA to work together throughout the emergency management cycle by striving to help educate the American public about disaster preparedness, building disaster resistant communities, and addressing the immediate and long-term recovery needs of individuals with disabilities and communities due to all types of hazards.

VIII. POINTS OF CONTACT.

Marcie Roth
Director
Office of Disability Integration and Coordination
Department of Homeland Security/ FEMA
202.212.1537 (office)
Marcie.Roth@dhs.gov

Deborah Ingram
Assistant Administrator
Recovery Directorate
Department of Homeland Security/ FEMA
202.646.3642 (office)
Deborah.Ingram@dhs.gov

Curt Decker
Executive Director
National Disability Rights Network
202.408.9514 (ext 107) (office)
Curt.decker@ndrn.org

Delores Scott
Senior Staff Attorney
National Disability Rights Network
202.408.9514 (ext 130) (office)
Delores.scott@ndrn.org

IX. OTHER PROVISIONS.

1. Nothing in this MOA is intended to conflict with current law or regulation or the directives of FEMA. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOA shall remain in full force and effect.
2. Nothing in the MOA is intended to restrict the authority of either party to act as provided by law, statute, or regulation.
3. Nothing in this MOA shall be interpreted as affording FEMA or NDRN any role in the content or programming decisions of the other entity.
4. In order to facilitate and accomplish the goals and objectives set forth in this MOA, NDRN and FEMA will meet as necessary and

appropriate to discuss issues of mutual interest and assess progress in accomplishing the desired objectives.

5. The use of Federal facilities, supplies, and services undertaken under this MOA will be in compliance with regulations promulgated by FEMA under the Stafford Act guaranteeing non-discrimination and prohibiting duplication of benefits (see Code of Federal Regulations, 44 C.F.R. § 206.11 and § 206.191 respectively).
6. This MOA is between FEMA and NDRN and does not confer or create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any third person or party (public or private) against the United States, its agencies, its officers, or any person; or against NDRN, its Board of Directors, and any of its staff.
7. This MOA creates neither a partnership nor a joint venture, and neither party has the authority to bind the other. This MOA is not intended to be enforceable in any court of law or dispute resolution forum.
8. The parties will use or display each other's name, emblem, or trademarks only in the case of particular projects and only with the prior written consent of the other party.
9. This MOA is not a fiscal or funds obligation document.

X. Effective Date

This MOA becomes effective on the date shown below, upon receiving the signatures of both the Administrator of the Federal Emergency Management Agency and the Executive Director for National Disability Rights Network.

XI. MODIFICATION

This MOA may be modified upon the mutual written consent of the parties.

FEMA

NATIONAL DISABILITY RIGHTS NETWORK
Protection & Advocacy for Individuals with Disabilities

XII. TERMINATION

The terms of this MOA, as modified with the consent of both parties, will remain in effect until [insert date or if no date upon agreement of the parties]. This MOA may be extended by mutual written agreement of the parties. Either party upon 30 days written notice to the other party may terminate this MOA.

APPROVED BY:

W. Craig Fugate
Administrator
Federal Emergency
Management Agency

Date 3/11/2011

Curt Decker
Executive Director
National Disability Rights Network

Date 3/11/11