



FEMA

SRIA Fact Sheet

PUBLIC ASSISTANCE: DISPUTE RESOLUTION PILOT PROGRAM

On January 29, 2013, President Barack Obama signed into law the Sandy Recovery Improvement Act (SRIA) of 2013. In many ways, SRIA represents the most significant legislative change to the Federal Emergency Management Agency's (FEMA) substantive authorities since the enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The law authorizes several significant changes to the way FEMA may deliver federal disaster assistance to survivors. One of the substantial changes is a provision for a Dispute Resolution Pilot Program (DRPP).

SRIA required FEMA to establish within six months of enactment a nationwide DRPP, including arbitration by an independent review panel, to resolve disputes relating to Public Assistance projects. FEMA announced the DRPP via an interim final rule on August 16, 2013. The pilot adds an option that allows Public Assistance applicants to file for arbitration instead of pursuing a second appeal under FEMA's Public Assistance Program. Applicants must complete a first appeal pursuant to 44 C.F.R. § 206.206. The pilot program is available for disputes related to disasters declared on or after October 30, 2012, in an amount of \$1 million or more, for projects with a non-federal cost share requirement.

By statute, the Dispute Resolution Pilot Program will sunset on December 31, 2015. This means that FEMA will complete any arbitrations that are filed on or before December 31, 2015, but will not accept any new requests after that date.

Most Public Assistance (PA) Program projects are free of eligibility disputes or, if eligibility issues do arise, they are quickly resolved. Eligibility disputes are ordinarily resolved through a two level administrative appeals process, described in the Code of Federal Register at 44 C.F.R. § 206.206. The first level appeal is to the FEMA Regional Administrator. The second level appeal is to the FEMA Assistant Administrator for Recovery. This process is still available to applicants.

STATUS: Regulation was published August 16, 2013. Pilot program authorized through December 2015.

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