



ADMINISTRATION FOR
CHILDREN & FAMILIES

Emergency and Disaster Waivers and Flexibilities Frequently Asked Questions

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**ADMINISTRATION FOR CHILDREN AND FAMILIES
EMERGENCY AND DISASTER WAIVERS AND FLEXIBILITIES
FREQUENTLY ASKED QUESTIONS**

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I. Purpose

To provide information on ACF program flexibilities and waivers that are available to States, Tribes, Territories and grantees during emergencies and disasters. The FAQ document provides programmatic and administrative guidance for each ACF program that has emergency flexibilities and waivers. The information provided emphasizes an all-hazards approach, meaning the flexibilities and waivers may apply to any potential disaster (e.g. flooding, tornado, fire). Unless otherwise noted, program flexibilities and waivers do not require a Federal disaster or emergency declaration. However, certain flexibilities and waivers may require prior ACF approval and/or may include certain requirements (e.g. submission of a plan amendment). Please note that there are ACF programs that do not have applicable flexibilities/waivers for emergencies and disasters and are not listed.

Definitions of Flexibilities and Waivers: As used in this document, the term “flexibilities” refers to authorities available to grantees under existing law that may be used to provide services or otherwise operate their Federally-funded programs to prepare for or respond to an emergency or disaster. Flexibilities typically do not require prior departmental approval or plan amendments.

Some examples of flexibilities:

- Child abuse prevention services funds, under Title IV-B, may be reprogrammed to families and children affected by a disaster.
- Community Action Agencies can use existing funds to support disaster response.

By contrast, the term “waivers” refers to U.S. Department of Health and Human Services’ (HHS) dispensations from rules or penalties that can assist grantees in preparing for or responding to an emergency or disaster. Waivers require the express prior approval of HHS for costs to be allowable or for a grantee to be excused from compliance with certain requirements.

An example of waiver authority:

- Head Start may reduce the non-Federal share or increase the Federal share for Head Start agencies affected by a major disaster.

II. ACF’s Goals

ACF seeks to promote economic and social well-being for individuals, families and communities; promote healthy development and school readiness for children in low-income families and other special populations; promote safety and well-being of children, youth and families; support underserved and under-represented populations; and upgrade ACF’s capacity to make a difference for families and communities.

III. ACF's Role and Responsibilities

ACF's role in disasters and emergencies is to provide support to States, Tribes, Territories, grantees, and Federal interagency partners to address the human services needs of affected individuals, families, and communities. Under the National Response Framework, ACF supports human services as one functional area within Emergency Support Function-6 (ESF-6), "Mass Care, Temporary Housing, Emergency Assistance, and Human Services." ESF-6 is led by FEMA, and HHS is a support agency; within HHS, ACF provides leadership in disaster human services under ESF-6. Under the National Disaster Recovery Framework, ACF supports the Health and Social Services Recovery Support Function (H&SS RSF), which includes restoration of social services and referral to social services for those with disaster-caused needs.

Within ACF, the Office of Human Services Emergency Preparedness and Response (OHSEPR) provides leadership in human services preparedness, response, and recovery, including promoting resilience of individuals, families, and communities prior to, during, and after nationally declared disasters and public health emergencies. In emergency preparedness, response, and recovery, OHSEPR works in partnership with the Immediate Offices of the Regional Administrators (IORAs) in the ten HHS regions. ACF works to build relationships among States, Tribes, grantees, local governments, Voluntary Agencies Active in Disasters (VOADS) and other Whole Community partners to address human services preparedness and response.

In response, ACF provides technical assistance on federal human services programs, ensures continuity of benefits for clients, and assesses impacts to human services infrastructure. In partnership with FEMA, ACF provides immediate Disaster Case Management services. ACF supports the Health and Social Services Recovery Support Function mission to assist locally-led recovery efforts in the restoration of the social services networks to promote the resilience, health and well-being of affected individuals and communities. ACF contributes to the integrated HHS disaster response and recovery effort that leverages the Department's capabilities to support States, Tribes, and Territories in the areas of public health and medical, behavioral health, environmental health, and human services.

IV. Frequently Asked Questions – ACF Program Offices

A. Administration for Native Americans (ANA)

The **Administration for Native Americans** promotes economic and social self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and other Native Pacific Islanders. ANA provides community-based project funding to improve the lives of Native children and families. ANA's program areas of interest are focused on strengthening children, families, and communities through community-based organizations, Tribes, and village governments. ANA can provide emergency assistance to help fill the gaps that the communities need in two program areas:

- Social and Economic Development Strategies (SEDS). Eligible activities include, but are not limited to:

- Projects to plan and coordinate emergency response services within the community and with State and local governments to protect against acts of nature and other catastrophic events such as fire, floods and environmental catastrophes
- Projects to improve the delivery of human services
- Projects to develop and implement community volunteer projects
- Projects to address problematic periods and goal setting for independent young adults
- Environmental Regulatory Enhancement. Eligible activities include, but are not limited to:
 - Projects that promote environmental training and education of Tribal employees
 - Projects that develop technical and program capability to enforce and monitor Tribal and Federal environmental quality laws.
- a. How are the waivers activated?
 - i. Waiver of 20% non-Federal match, if it would further purposes of the Act and grantee meets regulatory criteria.
 - ii. Waiver of maintenance of effort, if it would result in unnecessary hardship or otherwise be inconsistent with Act's purposes and grantee meets regulatory criteria.
 - iii. Waiver of notice and public procedure for proposed interpretive rule or policy statement determined by the Secretary for "good cause".
 - iv. The first two are activated by the Commissioner of the Administration for Native Americans. The third waiver can only be implemented by the Secretary of Health and Human Services.
- b. What flexibilities are available?
 - i. No other program flexibilities are available.
- c. Contact for more information:
 - i. Commissioner of The Administration for Native Americans (877) 922-9262

B. Children's Bureau

The **Child Abuse Prevention and Treatment Act (CAPTA)** Grants provide funds for States, Tribes, and Territories to improve their Child Protective Service systems (CPS).

- a. What waivers are available?
 - i. CAPTA does not include waivers applicable to disasters.
- b. How are flexibilities activated?
 - i. CAPTA does not include an emergency trigger; however, the funds can be used in a flexible manner to support children and families during an emergency.
- c. Contact for more information:
 - i. Associate Commissioner of the Children’s Bureau: (202) 205-8618

The **Title IV-E Foster Care** program helps States, Tribes, and Territories (“title IV-E agencies”) to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency. Funds are available for: monthly maintenance payments to eligible foster care providers; administrative costs to manage the program; training staff and foster parents; foster parent recruitment; and other related expenses. Administrative costs are also available for candidates for foster care when the child meets the statutory criteria. (see Child Welfare Policy Manual, sec. 8.1D.)

- a. What waivers are available?
 - i. Title IV-E does not include waivers applicable to disasters.
- b. What flexibilities are available?
 - i. IM-05-06 “Title IV-E and Hurricane Katrina”: To remind title IV-E agencies of flexibility in the title IV-E program that may help them serve vulnerable children and families who have been affected by a disaster.
 - ii. Meeting children’s needs in foster care maintenance payments: Title IV-E agencies may claim transportation costs for reasonable travel to a child’s home or other location for visitation. These costs may be claimed as a foster care maintenance payment (see CWPM at 8.3B.1#4). Foster care maintenance payments to providers can include an allowance for the child’s personal incidentals such as: items related to personal hygiene; cosmetics; over-the-counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and fees related to activities (see CWPM at 8.3B.1 #9).
 - iii. Licensing and recruiting foster care providers: Title IV-E agencies may need to license or approve new foster family homes to accommodate children displaced by a disaster. Title IV-E agencies currently have the flexibility to waive non-safety related licensing requirements to allow foster care placements of children with their relatives. These requirements must be waived on a case-by-case basis (see CWPM at 8.3A.8.c #1). Title IV-E agencies may claim title IV-E

administrative costs for items such as beds or cribs to help recruit and approve foster family homes or adoptive homes (see CWPM at 8.1 #3). As title IV-E agencies attempt to manage the overwhelming effects of a disaster, licenses for foster homes and child-care institutions may lapse. If a foster family home or child-care institution is licensed for a portion of a month, the title IV-E agency may claim FFP for the entire month when an otherwise eligible child has resided in that home or institution for the entire month. The title IV-E agency must prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month (see CWPM at 8.1C #4).

- iv. CWPM at 8.1F #3: Providing the match for Federal funds: Title IV-E agencies may claim FFP for allowable title IV-E costs paid with funds donated to support specific activities (see 45 C.F.R. 92.24(a) and (b); CWPM at 8.1F #3). The following conditions must be met if a State wishes to use donated funds to meet Federal cost-sharing requirements: The donated funds must be used to pay for allowable title IV-E expenditures. The donor may specify the activities to be supported with its donations but cannot be a sponsor or operator of a program that provides such activities. The donor may specify the geographic area in which the activity is to be provided.
 - v. Case review requirements: Although periodic reviews and permanency hearings are important protections for children in foster care, we remind title IV-E agencies that neither is a title IV-E eligibility requirement and therefore, delays in conducting these activities will not adversely affect a child's eligibility for title IV-E.
 - vi. Judicial determinations: Title IV-E agencies also may establish alternative procedures for obtaining judicial determinations regarding contrary to the welfare and reasonable efforts, including reasonable efforts to achieve permanency, as there is no Federal requirement that these determinations be made at a court hearing. These judicial determinations are required to establish a child's eligibility for title IV-E and cannot be waived.
- c. How are flexibilities activated?
- i. Title IV-E does not include an emergency trigger but flexibilities can be activated through various provisions (see examples above) applicable to disasters. Title IV-E agencies are eligible for title IV-E funds in accordance with the Social Security Act and implementing regulations.
- d. Contact for more information:
- i. Associate Commissioner of the Children's Bureau: (202) 205-8618

The **Promoting Safe and Stable Families (PSSF)** program prevents the unnecessary separation of children from their families, improves the quality of care and services to children and their families, and ensures permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement. Title IV-B, subparts 1 and 2, provide flexible funds for States, Tribes, and Territories to: protect and promote child welfare; prevent child abuse, neglect and exploitation; support at-risk families; and to train their workforce. States and Tribes must receive approval of their

title IV-B plan and agree to abide by the programmatic and administrative requirements of title IV-B.

a. What waivers are available?

i. The PSSF program does not include waivers applicable to disasters.

b. What flexibilities are available?

i. ACYF-CB-PI – 16-03: The grantee agencies have various degrees of flexibility with use of Title IV-B, subparts I and 2 (Child Welfare Services and Promoting Safe and Stable Families), Court Improvement Program (CIP) funds, Child Abuse prevention and treatment Act (CAPTA) and Community Based Child Abuse Prevention (CBCAP). The flexibility mostly takes the form of prioritizing disaster recovery focused activities (e.g., training, trauma support for staff and managing logistics related to providing services to displaced families) over non-disaster related activities. States and Tribes should work closely with their Children's Bureau Regional Office representative in determining which disaster recovery activities fall within the scope of one of these programs.

c. How are flexibilities activated?

i. Title IV-B does not include an emergency trigger but flexibilities can be activated through various provisions (see examples above) applicable to emergency/disaster situations.

d. Contact for more information:

i. Associate Commissioner of the Children's Bureau: (202) 205-8618

The **Community-Based Child Abuse Prevention (CBCAP)** program provides funding to States to develop, operate, expand, and enhance community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect. Preventive direct services under CBCAP are beneficial activities aimed at preventing child abuse and neglect. Such activities may be directed at the general population or specific populations identified as being at increased risk of abusing or neglecting their children. The primary focus of these activities is to better strengthen and support families by increasing protective factors and reducing the risk factors that can reduce the likelihood of abuse or neglect.

a. What waivers are available?

i. The CBCAP program does not include waivers applicable to disasters.

b. What flexibilities are available?

i. IM-05-09 "Title II CAPTA and Hurricane Relief Efforts": To remind States of flexibility in the Title II program to provide family support and child abuse prevention services that may help them serve vulnerable children and families

who have been affected by Hurricanes Katrina and Rita or other disaster. http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2005/im0509.htm

- ii. The 2017 CBCAP Program Instruction (ACYF-CB-PI-17-06): The 2017 CBCAP Program Instruction (ACYF-CB-PI-17-06) Section 201(b) of CAPTA provides that funds made available to States under the CBCAP program can be used for the following activities related to hurricane relief efforts (see pages 5-6 of ACYF-CB-PI-17-06): Developing, operating, expanding and enhancing community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, and culturally appropriate, and build upon existing strengths that: A) Offer assistance to families; B) Provide early, comprehensive support for parents; C) Increase family stability; D) Improve family access to other formal and informal resources and opportunities for assistance available within communities; E) Support the additional needs of families with children with disabilities through respite care and other services; F) Provide referrals to early health and developmental services.
<http://www.acf.hhs.gov/sites/default/files/cb/pi1602.pdf>

c. How are flexibilities activated?

- i. CBCAP under CAPTA does not include emergency provisions; however, grantees may utilize program funding flexibilities to meet the needs of children and families in the event of a disaster consistent with Title II of CAPTA.

d. Contact for more information:

- i. Associate Commissioner of the Children's Bureau: (202) 205-8618

C. Office of Child Care

The **Child Care and Development Fund (CCDF)** is the primary federal funding source dedicated to providing child care assistance to low-income families. As a block grant, CCDF gives funding to States, Territories, and Tribes to provide child care subsidies through vouchers or certificates to low-income families (as well as some grants and contracts with providers). CCDF is a dual purpose program with a two-generational impact. CCDF provides access to child care services for low-income families so they can work, attend school, or enroll in training to improve the well-being of their families. At the same time, it also promotes the healthy development and school success of our nation's low-income children by providing them with higher-quality early learning and afterschool experiences. CCDF provides funds for two primary purposes:

- o Subsidized Child Care Assistance for Families: Child care services funded through CCDF are available to eligible families through certificates (vouchers) or grants or contracts with providers. Parents may select any legally operating child care provider that meets health and safety requirements and any other relevant State or local standards.

- NOTE: In the event of an emergency or disaster declaration, some States, Tribes, and Territories may temporarily modify regulatory or licensing standards so that regulations are not a barrier to providing needed services to families in a way that preserves the health and safety of children. Save the Children and Child Care Aware of America developed a publication titled “Protecting Children in Child Care During Emergencies” with recommended State and National Regulatory and Accreditation Standards for Family Child Care Homes and Child Care Centers which can be found at: <https://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/safety-injury-prevention/ep-response/ProtectingChildr.htm>
- Child Care Quality Improvement Activities: States and Territories must spend certain percentages of CCDF funds on activities to improve the quality of child care. Specifically, States must spend no less than seven percent in fiscal years 2016 and 2017, eight percent in fiscal years 2018 and 2019, and nine percent in fiscal year 2020 and each succeeding fiscal year. Starting in fiscal year 2017, Lead Agencies are required to spend a minimum of three percent on activities related to the quality of care for infants and toddlers.
 - a. What waivers are available?
 - i. The Child Care and Development Block Grant Act of 2014 gave the CCDF program authority to provide time-limited waivers. Lead Agencies may apply for temporary waivers grants a limited number of reasons, including extraordinary circumstances, such as a natural disaster or a financial crisis.
 - b. What flexibilities are available?
 - i. CCDF is allocated on a formula basis, meaning there are no additional funds available to respond to Federal or State declared emergency situations. However, CCDF does provide States affected by emergency situations with some options to continue providing child care services despite disruptions to families and providers. For example, States have flexibility to define eligible populations and set priority rules for the program. In addition, States may use quality dollars to provide immediate assistance to displaced families. Some of these options would require the State to submit a CCDF Plan amendment. Information about the options and flexibility is described in detail in the Information Memorandum available at: <http://www.acf.hhs.gov/programs/occ/resource/information-memorandum-acyf-im-cc-05-03> (Note: some details in this Information Memorandum (IM) do not reflect specific changes made by the Child Care and Development Block Grant Act of 2014; however, the general areas of flexibility described in the IM remain in place).
 - ii. FEMA Child Care Guidance – FEMA may provide reimbursement for certain child care services during federally declared major disasters and emergencies Grantees are encouraged to share FEMA guidance with their State or local emergency management officials. Additional information about the reimbursement for child care can be found in FEMA’S Public

Assistance Program and Policy Guide (<https://www.fema.gov/public-assistance-policy-and-guidance>) and FEMA's Individuals and Households Program Unified Guidance (<https://www.fema.gov/media-library-data/1476366511281-be46bd3a2b2332dca767cc618bf55406/IHP-Unified-Guidance-Final-10122016.pdf>)

- c. How are the flexibilities activated?
 - i. There is no authorization needed for CCDF Lead Agencies to use the flexibility in the CCDF program as described in ACYF-IM-CC-05-03 to provide services to families impacted by a disaster. However, Lead Agencies should consult with their ACF Regional Office to determine if any amendments to the CCDF Plan are required within 60 days.
- d. Contact for more information:
 - i. Director of the Office of Child Care
(202) 690-6782
 - ii. Child Care Resources for Disasters and Emergencies website:
<http://www.acf.hhs.gov/ohsepr/resource/post-disaster-child-care-needs-and-resources>
 - iii. Emergency preparedness Resources for Grantees and Child Care Providers <https://www.acf.hhs.gov/occ/resource/emergency-preparedness-resources-for-grantees-and-child-care-providers>

D. Family and Youth Services Bureau (FYSB)

The **Runaway and Homeless Youth Program (RHY)** funds and supports street outreach, emergency shelters and longer-term transitional living and maternity group home programs to serve and protect young people. Organizations funded under all three must have policies and procedures around preparations, response, and recovery from disasters as indicated in 45 CFR 1351.23(g). Policies and procedures must include a plan to notify FYSB immediately in the event of a disaster. The three types of RHY programs are described below.

1. The **Street Outreach Program** provides grants to nonprofit private agencies for street-based outreach and education, including treatment, counseling, provision of information, and referrals for runaway, homeless, and street youth 21 years and younger who have been subjected to or are at risk of being subjected to sexual abuse, prostitution or sexual exploitation.
2. The **Basic Center Grant Program** funds grants to community-based public and nonprofit private agencies (and combinations of such entities) to establish and operate local centers to provide services for runaway and homeless youth and for the families of such youth. Services provided include the provision of outreach, crisis

intervention, temporary shelter, counseling, family unification, and aftercare services to run away and homeless youth and their families. Basic Center projects generally serve youth under 18 years of age and can provide up to 21 days of shelter.

3. **The Transitional Living Program** provides grants to public and private organizations to establish and operate transitional living youth projects for homeless youth, including for community-based shelter including group homes, host family homes, and supervised apartments for youth, ages 16 to under 22, who cannot safely live with their own families. Transitional Living projects provide a safe, stable, and nurturing environment for up to 21 months. Young people who have not yet reached their 18th birthday at the end of the 21-month period may continue to receive services until they turn 18. Services include counseling in basic life skills, interpersonal skill building, educational advancement, job attainment skills, and physical and mental health care. These services are designed to help youth who are homeless develop the skills necessary to make a successful transition to self-sufficient living. The Transitional Living Program also funds Maternity Group Homes, which are specifically designed to meet the needs of pregnant and parenting youth.

a. What waivers are available?

i. There is no existing authority within FYSB to provide waivers.

b. What flexibilities are available?

i. There is no existing authority within FYSB to provide flexibilities.

c. Contact for more information:

i. The Federal Project Officer or Regional Program Manager.

ii. Director, Division of Adolescent Development and Support, Family and Youth Services Bureau at 202-401-5124.

The **Family Violence Prevention and Services Act (FVPSA)** program funds a range of grants each year for the purposes of: (1) preventing family violence, domestic violence, and dating violence; (2) providing shelter and supportive services for victims and their dependents; (3) improving the design, delivery, and coordination of services to address family violence, domestic violence, and dating violence; (4) gathering information on the incidences of family violence, domestic violence, and dating violence; and (5) increasing knowledge and understanding of issues through research, demonstration and evaluation projects.

Although no waivers or flexibilities exist within FVPSA, during extraordinary circumstances, letters requesting flexibilities, such as carryovers, may be sent to the FYSB Associate Commissioner. Letters should include:

- An explanation of the circumstances facilitating the need for the request
- The scope of the disaster
- The Fiscal Year the funds will be used

- The proposed use of requested funds
- How the request fits within the scope of FVPSA's purpose areas
- How the funds will assist the domestic violence program(s) with recovery.

a. What waivers are available?

- i. Although there have been no recent waivers, FYSB/FVPSA received \$2 million of Public Health and Social Services Emergency Funds, pursuant to the Disaster Relief Appropriations Act of 2013 (Disaster Relief Act), for disaster response and recovery, and other expenses directly related to Hurricane Sandy. The FVPSA allocated the \$2 million as new grants to existing Family Violence Prevention and Services Act (FVPSA) grantees to provide domestic violence prevention and services resources to the areas within New Jersey and New York that were directly affected by Hurricane Sandy.

b. What flexibilities are available?

- i. The FVPSA program does not include flexibilities applicable to disasters.

c. Contact for more information:

- i. Associate Commissioner of Family and Youth Services Bureau (202) 205-2360

The **Adolescent Pregnancy Prevention Program (APP)**. Although funding does not include emergency services, some grantees have counselor or case management staff that work to make appropriate referrals for services based upon social, mental, physical, and general safety needs of the youth and their families. With HHS/ACF authorization, it may be possible for grantees to consult with their Project Officers to modify their existing state plans and funded applications to include the delivery of pre-approved emergency services as a result of the disaster that conforms to program requirements. During extraordinary circumstances, and with HHS/ACF authorization, letters requesting flexibilities may be sent to the FYSB for approval. Letters should include:

- An explanation of the circumstances facilitating the need for the request
- The scope of the disaster
- The Fiscal Year the funds will be used
- The proposed use of requested funds
- How the request fits within the scope of FYSB, APP purpose areas
- How the funds will assist the APP program(s) with recovery

E. Office of Community Services (OCS)

Social Services Block Grant (SSBG) funds enable each State to furnish social services best suited to meet the needs of the individuals residing within the State. Services may be, but are not limited to: daycare for children or adults; protective services for children or adults; special services to persons with disabilities; adoption; case management; health-related services; transportation; foster care for children or

adults; substance abuse; housing; home-delivered meals; independent/transitional living; employment services, or any other social services found necessary by the State for its population. SSBG funds are subject to statutory limitations set forth in Section 2005 of the Social Security Act [42 U.S.C. 1397d]. Among other limitations, States may not use SSBG funds for the purchase or improvement of land, or the purchase, construction, or permanent improvement of any building or other facility. Funds may also not be used for medical care (other than family planning services, rehabilitation services, or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of an allowable social service.

a. What waivers are available?

- i. In extraordinary circumstances, the Secretary of HHS has authority to waive the limitation in Section 2005 on purchase or improvement of land and the purchase, construction, or permanent improvement of a building. In addition, the Secretary may also waive the limitation on the provision of medical care.

b. How are the waivers activated?

- i. The responsible State SSBG official must submit a waiver request addressed to the Secretary of Health and Human Services with attention to the Director of the Office of Community Services describing the extraordinary circumstances that justify the waiver and explaining how the waiver will contribute to the State's ability to meet and carry out the purposes of the SSBG program in the disaster circumstances.

c. What flexibilities are available?

- i. States have significant flexibility in the allocation of existing SSBG funds to address social service needs within the State. States may consult with OCS to amend existing service plans based on changes in priority social service needs as a result of the disaster.
- ii. In addition, Congress has in the past made available one-time supplemental funds to address emergency/disaster situations through the Social Services Block Grant programs. Such supplemental funding is available only upon enactment of appropriation legislation by Congress.

d. Contact for more information:

- i. Director, Social Services Block Grant: (202) 401-5591

The **Low Income Home Energy Assistance Program (LIHEAP)** assists low income households, particularly those with the lowest incomes that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs. Some forms of assistance available to low income households through states, tribes, and territories, and LIHEAP programs include: financial assistance towards a household's energy bill; emergency assistance if a household's home energy service is shut off or about to be shut off; and a range of other energy-related services that States

may choose to offer, such as weatherization improvements, utility equipment repair and replacement, budget counseling, and so forth

a. What waivers are available?

- i. LIHEAP does not include waivers applicable to disasters, except regarding the normal crisis assistance response timeframes of 18 hours (life threatening cases or 48 hours for regular crisis as defined by grantees). See 45 CFR 96.89.

b. What flexibilities are available?

- i. Supplemental emergency funding is available that is not specifically a program flexibility. The Human Services Amendments of 1994 (Public Law 103-252) amended Section 2602(e) of the LIHEAP statute to provide for a permanent authorization of an emergency contingency fund. Under this provision, up to \$600,000,000 may be made available each fiscal year, in addition to other funds that may be appropriated, "to meet the additional home energy assistance needs of one or more States [grantees] arising from a natural disaster or other emergency." Funds appropriated under this section are considered to be emergency requirements under the terms of Section 251(b) (2) (D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and are to be made available only after the President submits a formal budget request to the Congress for all or a part of the funds appropriated under this section, providing the request designates the amount requested as such an emergency requirement. The President is authorized to release emergency funds.

- ii. IM-2005-14 (<http://www.acf.hhs.gov/programs/ocs/resource/liheap-disaster-relief-and-outreach-in-the-wake-of-recent-storms-and-power>): LIHEAP funds, regardless of whether they are general block grant or emergency contingency funds, may be used for any purpose authorized by statute, including heating and cooling assistance, crisis assistance, weatherization, and administrative costs, subject to normal LIHEAP restrictions. Under law, LIHEAP grantees must have some mechanism in place to handle emergencies, to respond within 48 hours, or within 18 hours in life threatening situations; however, the 48/18 hour time frames do not apply when a state is affected by a natural disaster. The requirement that LIHEAP crisis assistance be made available at geographically accessible sites also does not apply if those sites are impacted by a natural disaster. The response does not necessarily require the state/tribe to solve the problem at hand, but can include moving people away from the crisis situation (for example, into hotels or shelters). Anything with costs associated with mitigating further loss, or to prevent loss of life is allowable. For example, allowable costs may include:

1. Costs to temporarily shelter or house individuals in hotels, apartments or other living situations in which homes have been destroyed or damaged, i.e., placing people in settings to preserve health and safety and to move them away from the crisis situation;
2. Costs for transportation (such as cars, shuttles, buses) to move individuals away from the crisis area to shelters, when health and safety is endangered by loss of access to heating or cooling;
3. Utility reconnection costs;

4. Repair or replacement costs for furnaces and air conditioners;
5. Insulation repair;
6. Coats and blankets, as tangible benefits to keep individuals warm;
7. Crisis payments for utilities and utility deposits; and
8. Purchase of fans, air conditioners, and generators.

c. How are these flexibilities activated?

- i. Additional Emergency Funds appropriated under this section are considered to be emergency requirements under the terms of Section 251(b) (2) (D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and are to be made available only after the President submits a formal budget request to the Congress for all or a part of the funds appropriated under this section, providing the request designates the amount requested as such an emergency requirement. The President is authorized to release emergency funds.
- ii. No additional authorization is needed to use existing LIHEAP funds to respond to emergencies.
- iii. No emergency contingency funds have been appropriated by Congress since FY2011. Therefore, no such funds are currently available for disaster assistance.

e. Contact for more information:

- i. Director, Division of Energy Assistance: (202) 401-9333

The **Rural Community Development (RCD) Discretionary Grant** program assists low-income communities in developing affordable, safe water and wastewater treatment facilities. The program provides training and technical assistance to low-income rural communities with a population of 2,000 or less in developing and managing affordable, safe water and wastewater treatment facilities. The program also supports and promotes water and wastewater treatment systems safety through security and emergency preparedness training and technical assistance to small community water and wastewater utility staff and local officials. Six Regional grantees and two Tribal grantees provide services to multiple states. While the program does not pay to construct or upgrade facilities, grantees assist communities in accessing funds for these purposes.

a. What waivers are available?

- i. There are no flexibilities or waivers in this program. Congress would need to appropriate emergency funding to supplement existing grantees in impacted areas.

b. Additional information:

- i. If available or obtainable, making additional funds available to RCD grantees in the affected area(s) for the hiring of certified water and wastewater treatment operators and engineers is critical. The number of water and wastewater systems that can be damaged or destroyed in a disaster is high, and a large population

would be impacted by a lack of clean drinking water and raw sewage treatment. In the immediate aftermath of a disaster, grantees can work with health agencies to sample water sources to determine portability and, if not, to determine whether residents and businesses can avoid evacuation.

c. Contact for more information:

- i. Director, Division of Community Discretionary and Demonstration Programs:
(202) 401-9365

The **Community Services Block Grant (CSBG)** program provides States, territories, and Indian Tribes with funds to lessen poverty in communities. The program reduces poverty in communities through a range of services and activities to assist the needs of low-income individuals including the homeless, migrants, and the elderly. Grantees receiving funds under the CSBG program are required to provide services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services and/or health.

a. What waivers are available?

- i. The CSBG program does not include waivers specifically applicable to disasters. However, Section 678F(a)(2) of the CSBG Act allows the Secretary of Health and Human Services to waive restrictions on the use of CSBG funds for purchase or improvement of land, or the purchase, construction, or permanent improvement of property in extraordinary circumstances if doing so will contribute to the ability of the State to carry out the purposes of the grant.

b. What flexibilities are available?

- i. In a disaster, states may consider circumstances where individuals may have been made low-income by the disaster, though they would not have been considered so before. States are encouraged to streamline the eligibility determination process following a disaster.
- ii. CSBG-IM90 & CSBG-IM91: In a disaster, Community Action Agencies are encouraged to provide services to low-income individuals, children and families that are impacted and support Federal, state, and local relief efforts. For previous disaster precedents see IMs: <http://www.acf.hhs.gov/programs/ocs/resource/im-no-90-hurricane-katrina> and <http://www.acf.hhs.gov/programs/ocs/resource/im-no-91-to-community-services-block-grant-program-administrators>. Individuals who receive CSBG-funded services must qualify as low-income.
- iii. Additional funding is not possible unless Congress makes a special appropriation; however, any remaining CSBG funding the state has may be used to support disaster response, as long as it aligns with the statutorily allowable activities.

ACF will consider and expedite responses to waiver requests for emergency repairs for service facilities directly impacted by a disaster that are not covered

by other Federal disaster assistance or other sources such as property insurance.

c. How are flexibilities activated?

- i. State CSBG-designated organizations do not have to request a Federal waiver to utilize their existing CSBG funding to support disaster response and assistance to eligible low-income individuals and families.

d. Contact for more information?

- i. Director, Division of Community Assistance: (202) 401-2333

F. Office of Family Assistance (OFA)

The **Temporary Assistance for Needy Families (TANF) program** is a block grant to states, territories, and Washington, DC that funds monthly cash assistance payments to low-income families with children, as well as a wide range of services that are reasonably calculated to address the program's four broad purposes. These are to: provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families. TANF provides a fixed block grant to states, territories, and Washington, DC. Additionally, federally recognized American Indian tribes and Alaska Native organizations may elect to operate their own TANF programs. While states must meet certain work participation and maintenance-of-effort (MOE) requirements (i.e., cost sharing requirements), they have considerable flexibility to design and implement programs.

a. What waivers are available?

- i. There is no waiver authority within TANF that would be triggered in the event of a disaster.

b. How are waivers activated?

- i. Not applicable.

c. What flexibilities are available?

- i. The program instruction TANF-ACF-PI-2007-08, dated Nov. 28, 2007, describes in detail the flexibilities available in areas covered by a federal or state disaster declaration. <http://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2007/200708/pi200708>. Key provisions of this PI are summarized below.
 - Section 409(b) and 286.225 of the Social Security Act, 42 U.S.C. § 609(b) and the implementing TANF regulations at 45 CFR 262.5 allow HHS to grant a reasonable cause exception and therefore forgive the penalty, for

most of the TANF penalties including those associated with failure to meet the work participation rate requirement.

- ii. Per section 409(a)(3)(C) Social Security Act; [42 U.S.C. § 609(a)(3)(C)] and the implementing TANF regulations at 45 C.F.R. 261.50 (d), HHS may decide to reduce a state's work participation penalty for failure to meet required work participation rates, if noncompliance is due to extraordinary circumstances such as a natural disaster.
 - iii. States and Tribes may provide “non-recurrent, short term benefits” benefits outlined in 45 CFR 260.31(b)(1) and 45 CFR 286.10(b)(1), to deal with a specific crisis situation or episode of need, not intended to meet recurrent or ongoing needs, and will not extend beyond four months. States may consider offering a wider range of services or benefits to address their crisis than those currently offered in the state plan and a state may also change the eligibility criteria for any current services or benefits. OFA will accept the state plan amendment reflecting such changes, when the state has the opportunity to submit it.
 - iv. States may streamline the application process to expedite eligibility and payment determinations.
 - v. States may relax or waive their residency requirements for families affected by a disaster.
 - vi. States may also have a temporary residency policy.
 - vii. State may consider families to have good cause for not participating in work activities.
 - viii. States may continue TANF assistance (includes commingled funds) for a child who is temporarily absent from the home in which s/he resides.
- d. Contact for more information:
- i. Director of the Office of Family Assistance (202) 401-9388

G. Office of Child Support Enforcement (OCSE)

Child Support services are available upon application on behalf of a child living apart from a parent. Services are available automatically for families receiving assistance under the Temporary Assistance for Needy Families (TANF) program. Services include locating non-custodial parents, establishing paternity, establishing support orders, collecting support and disbursing payments and services for non-custodial parents. The program has authority to locate either parent, a child or relatives of a child under certain circumstances.

- a. What waivers are available?
 - i. 45 C.F.R. § 309.130(e): In the event of an emergency or natural disaster, Tribal child support enforcement grantee can request a waiver for all or part of non-federal share.
 - ii. Flexibility can be offered to States with regard to submission of annual Advance Planning Document (APD) updates used in the decision process on Federal Financial Participation approval for information technology procurements. Existing regulatory authority permits waiving Federal prior approval of purchase of emergency equipment and any other APD. Specific regulatory authority for emergency situations is at 45 CFR 95.624. APD documents are expected to provide information on computer equipment and services purchased under emergency authority to replace equipment lost and damaged in emergency situations.
- b. How are the waivers activated?
 - i. First waiver: the Tribal grantee may submit the waiver request to OCSE and it is subject to the Commissioner's approval.
 - ii. Second waiver: An unanticipated need to acquire IT services to continue the operation of a program can serve as the trigger for a State request to OCSE for a waiver of prior approval of IT acquisitions or services.
- c. What flexibilities are available?
 - i. No other program flexibilities are available.
- d. Contact for more information:
 - i. Commissioner of the Office of Child Support Enforcement (202) 401-9369.

H. Office of Head Start (OHS)

Head Start is a national program that promotes school readiness of low-income children from birth to age five. This includes the Early Head Start program that serves families of economically disadvantaged children from birth to three years of age and pregnant women. Head Start enhances children's cognitive, social and emotional development through the provision of health, educational, nutritional, social and other necessary services. Head Start also provides comprehensive child development services to economically disadvantaged children and families, with a special focus on helping preschoolers develop the skills they need to be successful in school.

- a. What waivers are available?
 - i. Section 640(b)(4) of the Head Start Act, 42 U.S.C. § 9835(b)(4); 45 C.F.R. §1303.4 authorizes reduction of the required non-federal match under certain circumstances, including communities adversely affected by a major disaster.
 - ii. Section 644(b) of the Head Start Act, 42 U.S.C. § 9839(b); 45 C.F.R. § 1305 Allowable administrative and development costs may not exceed 15 percent of the total approved costs of a program, unless a waiver is granted for a specific period not to exceed 12 months when it is determined that such waiver is necessary in order to carry out the purposes of the Head Start Act.
 - iii. 45 C.F.R. § 1302.24 allows waiver of program option requirements at sections 1302.21 through 1302.23 regarding the Center-based, Home-based, and, Family Child Care program options for reasons beyond the grantee's control.
 - iv. 45 C.F.R. § 1303.70(c)(1) waivers of transportation requirement in cases in which compliance itself would create a safety problem or requirements for child restraint systems and bus monitors under certain circumstances.
 - v. Section 648A(a)(4)(B) of the Head Start Act, 42 U.S.C. § 9835(b)(4), allows waivers of alternate teacher credential requirements for 3 years for individual classroom teachers in center-based programs if the grantee has met certain requirements relating to recruitment of teachers and the individual teacher already meets certain minimum credentialing requirements.
- b. How are waivers activated?
 - i. The above waivers are enacted by the Secretary, the Office of Head Start, or another responsible HHS official.
 - ii. The Secretary or responsible HHS official may reduce the non-Federal share or increase the Federal share of discretionary funds for Head Start agencies adversely affected by a major disaster.
- c. What flexibilities are available?
 - i. Broad flexibility within the law and regulations will be provided to programs to ensure they can meet current needs of the communities they are serving. Regional Offices and OHS Central Office are available to work with grantees to design a program that continues to serve the highest number of children and families in the safest environment after a disaster has occurred.
- d. Contact for more information:
 - i. Director of the Office of Head Start (202) 205-8573 or the Head Start Helpline at 1-866-763-6481

I. Office of Refugee Resettlement (ORR)

The Division of Refugee Assistance (DRA) oversees and provides guidance to states and alternative programs that provide services to ORR-eligible populations. ORR-eligible populations include: refugees, asylees, certain Amerasian immigrants, Iraqi and Afghan Special Immigrants, Cuban and Haitian entrants, and victims of human trafficking. DRA administers the Cash and Medical Assistance (CMA) program that provides reimbursement to States and alternative refugee assistance programs for 100 percent of Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA) as well as associated administrative costs.

DRA also administers the Social Services Program and Targeted Assistance, which are available to ORR-eligible populations. These services support self-sufficiency through employment assistance, vocational, ESL and other case management related services for 60 months after initial arrival.

The Division of Refugee Health administers the Survivors of Torture Program that provides rehabilitative services to people that were tortured outside of the U.S. among other programs. The Division of Resettlement Services (DRA) administers programs to increase economic self-sufficiency and integration for ORR-eligible populations. These programs include: Microenterprise Development Program, Individual Development Accounts, and Voluntary Agencies Matching Grant Program.

- a. What waivers are available?
 - i. The CMA program does not include waivers applicable to disasters.
- b. What flexibilities are available?
 - i. As a direct part of this program State agencies or their designees have latitude to issue upfront initial cash assistance to refugees based on urgent need. Initial payments may be issued on an emergency basis per 45 C.F.R. 400.52.
 - ii. The ORR Director can waive the time limitation for Social Services and Target Assistance Programs beyond 60 months and allow funded medical screening beyond the first 90 days of resettlement without prior determination of the refugee's eligibility for Medicaid or CHIP in accordance with 45 CFR 400.300.
- c. How are these flexibilities activated?
 - i. States and replacement designees with approved State Plans may use their own discretion in issuing emergency cash assistance.
 - ii. The ORR Director can issue a policy directive (e.g., a Policy Letter or Dear Colleague Letter) waiving the 60 month limitation or 90-day time limit. The waiver would include a specific timeframe to support those most impacted by the recent disaster/s.

- iii. In accordance with 45 CFR 400.300, states may apply for a waiver for any program requirement unless required by statute. The Director will approve or disapprove an application for a waiver within 130 days of receipt of such application.
- d. Contact for more information:
 - i. Director of the Office of Refugee Resettlement (202) 401-9246

The **U.S. Repatriation** program is committed to helping eligible repatriates referred from the U.S. Department of State (DOS) by providing them with effective and efficient temporary assistance necessary for their transition and reestablishment in the United States. Individuals who are referred by the U.S. Department of State as having to be returned to the U.S. because of destitution, illness, war, threat of war and similar crises, and have no resources immediately available to cover their immediate needs, are eligible for temporary assistance. Temporary assistance is defined as money payments, medical care, temporary shelter, transportation, and other goods and services necessary for the health or welfare of individuals. This assistance may be provided to eligible repatriates for up to 90 days and is provided in the form of a loan repayable to the Federal government unless they meet certain exceptions. ORR Director or his/her designee; and can approve financial waivers. The Repatriation Program Coordinator/designee approves temporary services extensions. States are reimbursed for all administrative and direct services provided as long as they are reasonable, allocable and allowable, with the total amount of temporary assistance within a fiscal year not to exceed \$1 million however for fiscal year 2017 and 2018 the cap was raised to \$25 million.

In the event of a war or crisis that endangers the lives of U.S. citizens overseas, the Department of State can activate a massive case provision. The ORR Director can activate the National Emergency Repatriation Plan. The President can also declare an emergency. Services are not contingent on action by the Executive branch.

- a. What waivers are available?
 - i. The Repatriation program does not include waivers applicable to disasters.
- b. What flexibilities are available?
 - i. The Repatriation program does not include flexibilities applicable to disasters.
- c. Contact for more information:
 - i. Director of the Office of Refugee Resettlement (202) 401-9246

The **Unaccompanied Children (UC)** program provides a safe and appropriate environment for unaccompanied children from the time the minor is placed into ORR custody until his/her safe and timely release with sponsors, typically a family member in the U.S. or until he/she is removed to his/her home country by DHS immigration officials. The UC program cares for children who are under 18 years old, have no lawful immigration status in the U.S., and have no parent or legal guardian in the U.S. or no

parent or legal guardian in the U.S. available to provide care and physical custody while their immigration case is pending. Once referred by DHS, ORR temporarily places children in ORR-funded shelters, group homes, staff-secure facilities, secure facilities, foster care or residential treatment centers, depending on the needs of the particular child.

a. What waivers are available?

i. There are no waivers in this program.

b. What flexibilities are available?

i. The Trafficking Victims Protection Reauthorization Act of 2008 requires federal agencies to transfer custody of UC to ORR within 72-hours. Under exceptional circumstances, this process may take longer. 8 U.S.C. § 1232.

ii. ORR placement of children may be delayed in the event of an emergency under the *Flores* decision.

iii. Child Abuse and Neglect Checks may be waived for UC facility staff during emergencies to allow for faster hiring. *Standards to Prevent, Detect, and Respond to Sexual Abuse and Harassment Involving Unaccompanied Children*. 79 Fed. Reg. 77768 (Dec. 24, 2014).

c. Contact for more information:

i. ORR Deputy Director, Children's Services (202) 401-9246

J. Office on Trafficking in Persons (OTIP)

The Office on Trafficking in Persons is responsible for the development of anti-trafficking strategies, policies, and programs to prevent human trafficking, build health and human services capacity to respond to human trafficking, increase victim identification and access to services, and strengthen the health and well-being outcomes of trafficking survivors. OTIP administers four grant programs and a direct assistance program that could potentially be affected by a man-made or natural disaster:

Trafficking Victim Assistance Program (TVAP): Funds comprehensive case management services and assistance (e.g., food, clothing, housing, health care and legal services) to foreign victims of trafficking, potential victims seeking HHS certification and certain family members through a network of grant and sub recipient programs.

Domestic Victims of Human Trafficking Program (DVHT): Funds comprehensive case management services for U.S. Citizens and lawful permanent resident victims and potential victims of trafficking in the U.S.

Look Beneath the Surface (LBS) Victims of Human Trafficking Regional Program: Funds local organizations to identify victims of trafficking, refer victims to community-based

services, and build local capacity to prevent trafficking by leveraging local resources, providing training and technical assistance, and public education

The National Human Trafficking Hotline: Provides a toll-free, 24 hour human trafficking hotline providing crisis intervention, urgent and non-urgent referrals, tip reporting, and anti-trafficking resources.

OTIP also funds the National Human Trafficking Training and Technical Assistance Center (NHTTAC) which develops and disseminates victim-centered and trauma-informed training and technical assistance to health, mental health, social services, victim advocates, and allied professionals. NHTTAC also maintains a database of subject matter experts consultants that it deploys in response to requests from the field. These consultants have the capacity to address a wide range of topics and provide technical assistance to assist state, tribal, and local programs with program implementation challenges, including responding to or preventing trafficking after disasters.

Further, OTIP certifies adult foreign national victims of human trafficking and determines eligibility of minor foreign national victims of human trafficking to receive services and benefits to the same extent as refugees.

a. What waivers and flexibilities are available?

- i. While there are no specific statutory waivers or flexibilities under the authorizing statute, e.g., the Trafficking Victims Protection Act of 2000, as amended, Pub. L. 106-386, Div. A., Sections 106(b), 107(b)(1)(B), and 107(f), 22 U.S.C. 7104(b), 7105(b)(1)(B), and 7105(f), grantees may request the following types of administrative relief and technical assistance in the event of a man-made or natural disaster.
 - Temporary suspension of grantee requirements that is permissible within the regulations or statute. For example, delay in the submission of required grant reports;
 - Supplemental funding, contingent upon availability, to address unanticipated project implementation costs within the scope of the project that is related to the disaster response;
 - No-cost extension or carryovers of the grant period with proper justification to address unanticipated delays in project implementation;
 - Deviation from the FOA language limiting TVAP program participant to an initial program enrollment to 3 months, and subsequent incremental enrollment to 3 months to extend the period of time for which victims impacted by disasters are eligible to receive services and assistance under the TVAP program;
 - Technical assistance and other support, such as victim screening and assessment tools to help identify trafficking victims that may be identified in the aftermath of a disaster;
 - On-site technical assistance from a subject-matter expert from the NHTTAC consultant database;

- Coordination of assistance from the National Human Trafficking Hotline in referring victims to nearby resources and assistance; and
- Coordination of victim support among the TVAP and DVHT grant recipient programs to the extent that such coordination is provided in the funding award documents.

Letters requesting flexibilities may be sent to OTIP for approval. Letters should include:

- An explanation of the circumstances facilitating the need for the request
- The scope of the disaster
- The Fiscal Year the funds will be used
- The proposed use of requested funds
- How the request fits within the scope of grant purpose areas
- How the funds will assist the grant program with recovery

b. Contact for more information:

- i. Deputy Director, Office on Trafficking in Persons (202) 205-5782

V. General Waiver Authorities

The Public Health Services Act and the Stafford Act provide some waiver authority that is not specific to ACF. The ACF Regional Office is available to answer questions regarding these waivers.

1) The Public Health Services Act

a. What is a Public Health Emergency?

- i. The Secretary of HHS can declare a Public Health Emergency under provisions of section 319 of the Public Health Services Act, 42 U.S.C. 247d, to enact waivers.

b. What waivers are available under the Public Health Services Act?

- i. Sanctions relating to submission of data or reports required under laws administered by the Secretary, and that as a result of a public health emergency, entities are unable to timely comply with deadlines for such data or reports.

c. What is an example of such reports?

- i. Under 42 USC 247d(d), OCSE could extend deadlines and/or waive sanctions resulting from failing to meet deadlines for submission of performance data required in 45 CFR 305.32, 305.34.

d. How are these waivers triggered?

- i. By determination of a Public Health Emergency by the Secretary of HHS.
- e. What is the duration of the waivers?
 - i. Until the termination of the Public Health Emergency or 90 days beginning on the date on which the determination of a Public Health Emergency is made by the Secretary, whichever occurs first, however, determinations may be renewed by the Secretary.

2) Stafford Act

- a. What is the Stafford Act?
 - i. This Act constitutes the statutory authority for most Federal disaster response activities, especially as they pertain to FEMA and FEMA programs.
- b. What can be waived under the Stafford Act?
 - i. Administrative conditions if, as a result of a major disaster, compliance with such conditions would prevent the giving of assistance. This waiver is limited to administrative, and not substantive, conditions.
- c. What is an example of the Administrative conditions that could be waived?
 - i. Under 42 USC 5141, ANA may waive the regulatory requirements for receiving a waiver of the non-Federal match in 45 CFR 1336.50(b)(3) or the Maintenance of Effort requirement in 45 CFR 1335.50(c).
- d. How are the waivers enacted?
 - i. The State or tribe must request the waivers. Waivers under the Stafford Act are only available when the President has declared a major disaster.

3) Uniform Administrative Requirements

- i. Under 45 CFR 75.342(b) and 45 CFR 75.381(a) – The uniform administrative requirements for awards and sub-awards allow for extensions of closeout and performance reports.
- ii. Under 45 CFR 92.40(f)(1) and 45 CFR 92.41 (a)(7) – The uniform administrative requirements for grants and cooperative agreements to state, local and tribal governments allow for extension of financial reports and waiver of performance reports.
- iii. 45 CFR 95.624 permits the waiver of Federal prior approval of purchase of emergency information technology equipment to replace equipment lost and damaged in emergency situations.
- iv. The Awarding Agency Grants Administration Manual (AAGAM) Chapter 3.06.106-3 A. 2 (e) and (f), which applies to discretionary grants and awards, provides that if an

adequate justification is received; the Grants Management Officer may specify a new receipt date for submission of reports.

- v. HHS Grants Policy Statement (GPS) Section II-85, which applies to discretionary grants and awards, states that with an acceptable explanation regarding the late submission of a report, the OPDIV may set a new due date.

VI. Additional information

For additional emergency preparedness, response, and recovery information, please contact ACF's Office of Human Services Emergency Preparedness and Response (ohsepr@acf.hhs.gov) for routing to an OHSEPR staff member or the Regional Emergency Management Specialist for your State.