

OUR PRACTICE

Disaster Recovery and Government Services

Catastrophic events can result in extraordinary costs. When these costs are recoverable through federal grants or other assistance programs, navigating and maximizing the benefits of those programs require advanced knowledge of the laws, regulations, and policies that govern them. Baker Donelson's Disaster Recovery and Government Services team is one of the only groups in the Nation dedicated to this area of the law.

Our team's industry knowledge and legal skills in this area are based on decades of experience involving billions of dollars in disaster assistance from the Federal Emergency Management Agency (FEMA), the U.S. Housing and Urban Development (HUD), and other agencies. We have assisted clients in more than 40 states and territories on some 30 individual federal grant programs – and counting.

Baker Donelson's Disaster Recovery and Government Services professionals work proactively with state and local governments, governmental agencies and authorities, non-profits, and infrastructure providers before, during, and after disasters. Our ultimate goal is always to maximize access to grant funding and assure its effective use to facilitate community recovery, increased resiliency, and preparedness. We regularly advise clients on regulatory and programmatic compliance, advocate to secure funding or to challenge adverse funding decisions, provide strategic advice on funding strategies, and guide clients through audits and OIG investigations.

As a longstanding leader in the disaster recovery legal community, our team includes a former FEMA general counsel; a former FEMA associate chief counsel and chief counsel to the FirstNet Authority; a former FEMA lead arbitration and litigation attorney; a former HUD attorney; certified project managers through the Project Management Institute; certified public accountants*; and certified fraud examiners. Collectively, we bring over 125 years of combined experience representing clients navigating the increasingly complex challenges of federal grant programs.

We are the leading provider of legal services to applicants for the FEMA Public Assistance Program and related mitigation funding, with experience across every aspect of this Program. Clients call upon us to advise and counsel on issues from applicant eligibility to closeout, including project scoping and costing, duplication of benefits, insurance, environmental and historic preservation, and mitigation.

Our team has a robust dispute resolution practice, helping clients evaluate adverse assistance decisions and then preparing administrative appeals or seeking arbitration of the dispute with FEMA before the Civilian Board of Contract Appeals (CBCA). Our attorneys have filed more than 600 administrative appeals with FEMA and appeared before the CBCA in hundreds of FEMA arbitrations.

In addition, a significant part of our practice is devoted to assisting grant recipients and subrecipients (and sometimes their contractors) in complying with the federal procurement standards and cost principles at 2 C.F.R. Part 200. We regularly help clients set up compliant procurement programs, revise procurement policies, draft solicitations, and guide them from procurement through execution of a contract.

As large events typically impact access to housing, we have also built and maintain an extensive affordable housing practice. Coupled with our extensive knowledge of the various post-disaster funding programs, this has allowed us to provide guidance and counsel to entities involved in the various housing programs often

available through HUD's Community Development Block Grant (CDBG) program and others. In all, our team members have supervised implementation and compliance strategies for large-scale infrastructure, housing, and commercial development projects; administered a process for dispersing more than 15,000 federal loan assistance grants; counseled on relevant federal procurement and environmental regulations; and created a software-based system for streamlining grant management processes.

We also consult with states, municipalities, and developers to offer counsel in matters involving requirements and insurance coverage nuances associated with the National Flood Insurance Program (NFIP). Our experience includes assisting entities with requests for Letter of Map Amendment and Revisions (LOMA/R), guidance regarding floodplain management, and experienced counsel regarding the various issues and disputes that can arise with these processes.

Our extensive disaster recovery practice has fostered a deep understanding of federal grant and contracting requirements generally, and our work now extends across numerous other federal funding programs, including:

- Department of Commerce Economic Development Administration: American Rescue Plan Act, State Travel, Tourism, and Outdoor Recreation Grants (State Tourism Grants), Supplemental Disaster Recovery and Resiliency Awards
- Department of Education Elementary and Secondary School Emergency Relief Fund (ESSER)
- Department of Education Higher Education Emergency Relief Fund (HEERF)
- Department of Energy Grid Resilience and Innovation Partnerships (GRIP)
- Department of Energy Grid Resilience State/Tribal Formula Grants Program
- Department of Energy Hydrogen Program
- Department of Energy Office of Clean Energy Demonstrations' (OCED) Carbon Capture Demonstration Projects Program
- Department of Transportation (DOT) Consolidated Rail Infrastructure and Safety Improvements Grant (CRISI)
- Environmental Protection Agency (EPA) Solar for All (SFA)
- Federal Communications Commission (FCC) COVID-19 Telehealth Program
- FEMA Building Resilient Infrastructure and Communities (BRIC)
- FEMA Disaster Case Management (DCM) Program
- FEMA Flood Mitigation Assistance Program (FMAP)
- FEMA Hazard Mitigation Grant Program (HMGP)
- FEMA Individual Assistance (IA)
- FEMA Next Generation Warning System Grant Program (NGWSP)
- FEMA Public Assistance (PA)
- FEMA Rehabilitation of High Hazard Potential Dam Grant Program (HHPD)
- FEMA Staffing for Adequate Fire and Emergency Response Grants (SAFER)
- Health and Human Services (HHS) ASPR Health Care Readiness Programs Funding
- Health and Human Services (HHS) Provider Relief Fund (PRF)
- HUD Community Development Block Grant Disaster Recovery (CDBG-DR)
- HUD Tenant-Based Vouchers (TBV) and Project Based Vouchers (PBV)
- Small Business Administration (SBA) Paycheck Protection Program (PPP)
- Treasury American Rescue Plan Act State and Local Fiscal Recovery Funds (ARPA-SLFRF)
- Treasury CARES Act Coronavirus Relief Fund (CRF)
- Treasury Emergency Rental Assistance Program (ERA)
- USDA The Emergency Food Assistance Program (TEFAP)
- USDA Rural Energy for America Program (REAP)
- USDA Rural Utilities Services (RUS)

As a dedicated core team within a larger firm, we also collaborate across the Firm's numerous practice areas to support our clients' needs. For example, we work with our construction practice area to prepare and review federally-assisted construction contracts; our tax practice area to appeal Paycheck Protection Program loans; our bankruptcy practice area in support of clients in financial distress who are also seeking FEMA reimbursement of amounts owed to debtors; our data protection, privacy, and cybersecurity team to prepare data security policies and agreements; our environment, social, and governance team to support clients' efforts to be compliant with environmental and historic preservation rules in their completion of emergency and permanent work projects; our government contracts team to support clients' efforts to collect sums from government purchasers; our government enforcement and investigations team in responding to audits or investigations; our nationally ranked health care practice to support clients in response and recovery from pandemic events (including COVID-19); and our broader government relations and public policy team to amplify our clients' voices in advocating for change.

**Baker Donelson is not a CPA firm*

Resources

Please click on the following links to download our procurement checklists:

- [Baker Donelson FEMA Procurement Checklist](#)
- [Baker Donelson Procurement File Checklist](#)

Other useful links:

- [American Bar Association Disaster Response and Preparedness Committee](#)
- [Congress.gov](#)
- [Department of Homeland Security Office of Inspector General](#)
- [Federal Emergency Management Agency](#)
- [Legal Services Corporation](#)
- [Minority Business Development Agency](#)
- [State Emergency Management Agencies](#)
- [System for Award Management](#)