



Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date:** December 28, 1999
2. **Response and Recovery Directorate:** 9521.4
3. **Title:** Administering American Indian and Alaska Native Tribal Government Funding
4. **Purpose:** This policy provides guidance in administering Public Assistance funding to American Indian and Alaska Native Tribal Governments when the Tribal Governments choose to act as their own Grantee or the State cannot legally act as their Grantee.
5. **Scope and Audience:** This policy is applicable to all major disasters and emergencies declared on or after the publication date of this policy. This policy is intended for Federal Emergency Management Agency (FEMA) personnel in making eligibility determinations for the Public Assistance Program. This policy applies only to Federally recognized Indian Tribal Governments. It does not apply to other tribal governments, e.g., State-recognized tribes.
6. **Background:**
 - A. The State is usually the Grantee for all Public Assistance funding and responsible for administering all funds provided under this program. However, 44 CFR 206.202(f)(1) provides an exception for Indian Tribes or authorized tribal organizations when the State cannot legally act as the Grantee. In keeping with the intent of FEMA's overall policy, "Government-to-Government Relations with American Indian and Alaska Native Tribal Governments," published in the January 12, 1999, issue of the Federal Register, a qualified Tribal Government will be permitted to deal directly with FEMA on Public Assistance funding and act as its own Grantee. However, when legally permitted, Tribal Governments should be encouraged to continue existing relationships with the State as the Grantee. When possible, Administrative Plans should be developed before a disaster to expedite response and recovery actions and to ensure an understanding of roles and responsibilities.
 - B. For the purposes of this policy, the following definitions apply:
 1. An Indian Tribe means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

2. An Indian Tribal Government is the recognized governing body of an Indian tribe, band, nation, pueblo, village, or community, including any Alaska Native Village defined in or established pursuant to the Alaska Native Claims settlement Act (85 Stat. 688). The shortened name, Tribal Government, is used throughout this policy.

7. Policy:

A. A Tribal Government may request to act as its own Grantee if the State Governor has requested a major disaster or emergency declaration, and the disaster or emergency has been approved by the President. The Tribal Government makes the request by submitting an SF424, Application for Federal Assistance, directly to FEMA.

B. A tribal government that assumes Grantee status becomes responsible for the entire non-federal share of the public assistance grant, unless the State provides some or all of that cost.

C. The Tribal Government will operate under the same disaster declaration number issued as a result of the Governor's request, even if the State is involved as Grantee under that number in other areas of the State. Disasters on tribal lands that cross State borders must be requested in separate disaster requests. Arrangements for administering disasters on tribal lands crossing State borders will be dealt with on a case-by-case basis.

D. The Tribal Government will be required to comply with the following conditions in order to receive Public Assistance funding.

1. A Tribal Government must meet all requirements placed on a Grantee in accordance with 44 CFR Part 13.

2. A formal FEMA-Tribal Agreement must be executed between FEMA and the Tribal Government. The Agreement is similar to the FEMA-State Agreement in that it states the understandings, commitments, and conditions under which assistance will be provided to the Tribal Government. FEMA Headquarters Response and Recovery Directorate will draft the basic provisions for the Agreement. FEMA Regional Directors will add specific provisions related to the disaster and the Tribal Government. All proposed changes to the basic Agreement must be reviewed by FEMA Headquarters prior to inclusion.

3. The Tribal Government must develop and submit a Public Assistance Administrative Plan as outlined in 44 CFR 206.207. The Plan must be approved by FEMA.

4. The Tribal Government, acting as its own Grantee, will receive project funding, Grantee management costs and administrative allowances under the Public Assistance Program. Subgrantee administrative allowances will be provided to subgrantees if they are subdivisions of the tribal government.

5. When the Tribal Government does not have access to SMARTLINK, it must submit Form 270, Request for Advance or Reimbursement, to request payment or reimbursement of Federal funding.

6. The Tribal Government, as the Grantee, will be subject to a financial closeout.

8. Supersession:

A. Memorandum from Richard W. Krimm to Regional Directors dated June 23, 1993, Subject: Emergency Management Assistance (EMA) Funding for the Navajo Nation.

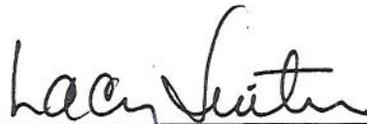
B. This policy also updates and replaces relevant provisions of previous public assistance documents on this subject.

9. References: 44 CFR 206.44 and 206.202(f)(1); Federal Register: January 12, 1999 (Vol. 64, No. 7), Final Agency Policy for Government-to-Government Relations with American Indian and Alaska Native Governments.

10. Originating Office: Infrastructure Division, Response and Recovery Directorate

11. Review Date: Two years from date of publication

12. Signature:



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13. Distribution: Regional Directors, Regional and Headquarters R&R Directors