

# Tribal Declaration Process Overview

Tribal Nations typically oversee response to and recovery from most incidents without any federal assistance. However, some incidents are so significant that they are beyond the capabilities of the affected governments. When a disaster has overwhelmed the resources of a Tribal Nation, they can request assistance from the President through an emergency or major disaster declaration or seek assistance through a state declaration as a recipient or subrecipient. This quick reference guide focuses on the Tribal Declaration process.

## What is the process for Tribal Nations to request an emergency or major disaster declaration?

In anticipation of or following a significant incident, a Tribal Nation may [request an emergency or major disaster declaration](#) from the President through their FEMA region.

[Preliminary Damage Assessments \(PDAs\)](#) are conducted to enable FEMA and the Tribal Nation to determine the magnitude of damage and impact of disasters. For an emergency declaration, joint Preliminary Damage Assessments (PDAs) are not required. For a major disaster declaration, the FEMA regional office deploys staff to conduct joint PDAs in conjunction with Tribal Nation representatives. After damage assessments are completed, the Tribal Chief Executive will use that information to request a major disaster declaration from the President, through the associated FEMA region.

Once the FEMA region reviews the request, FEMA conducts an internal review and recommendation process. FEMA then submits a recommendation to the President regarding the request for a declaration. Declaration decisions are at the **sole discretion of the President**.

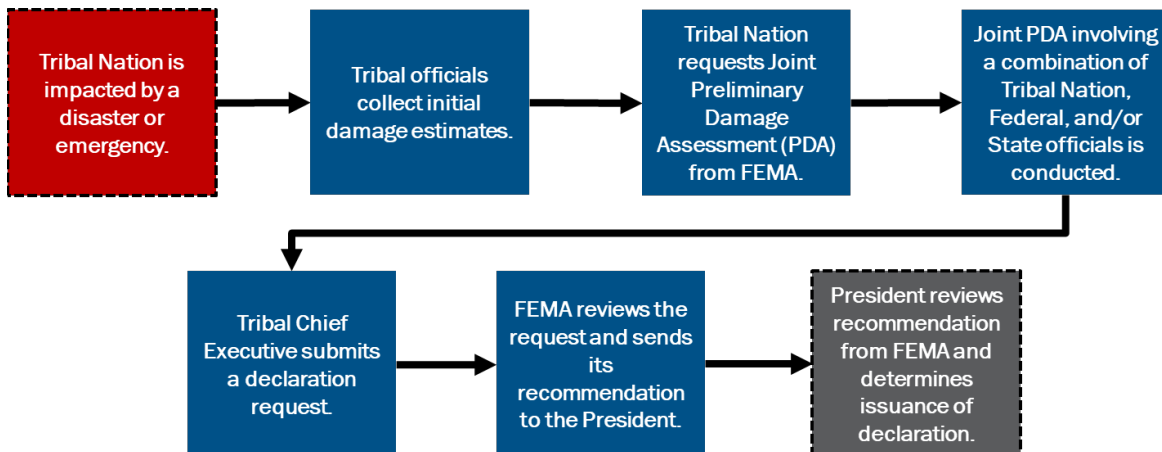


Figure 1. Stafford Act Declaration Process Overview



# FEMA

## What are the differences between an emergency and major disaster declaration?

Emergency declarations are limited to immediate and short-term assistance, whereas major disaster declarations also include long-term assistance. For example, for an emergency declaration, Public Assistance (PA) can only include emergency work for debris removal and emergency protective measures. Whereas under a major disaster declaration, permanent work to roads, bridges, utilities, and facilities are also eligible. In addition, the Hazard Mitigation Grant Program (HMGP) can only be requested under a major disaster declaration.

**Table 1: Emergency vs Major Disaster Declaration**

Emergency Declaration	Major Disaster Declaration
Limited to immediate and short-term assistance, essential to save lives, protect public health and safety and property	Declaration may include all programs (Individual Assistance [IA], PA, and HMGP); or some of the programs
<ul style="list-style-type: none"> <li>▪ PA may include emergency work: debris removal (Category A) and emergency protective measures (Category B)</li> <li>▪ Direct Federal Assistance</li> <li>▪ Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>▪ PA may include both emergency work (Categories A-B) and Permanent Work (Categories C-G)</li> <li>▪ Direct Federal Assistance</li> <li>▪ Technical assistance</li> </ul>
<ul style="list-style-type: none"> <li>▪ Individuals and Households Program (IHP)*                             <ul style="list-style-type: none"> <li>○ Temporary Housing (financial or direct assistance)</li> <li>○ Repairs</li> <li>○ Replacement</li> <li>○ Permanent Housing Construction</li> <li>○ Other Needs Assistance (ONA): Serious Needs, Clean and Sanitize, Displacement, Childcare, Medical and Dental, Personal Property, Moving and Storage, Transportation, Funeral, Miscellaneous Expenses</li> </ul> </li> <li>▪ Crisis Counseling Program</li> </ul>	<ul style="list-style-type: none"> <li>▪ IHP                             <ul style="list-style-type: none"> <li>○ Temporary Housing (financial or direct assistance)</li> <li>○ Repairs</li> <li>○ Replacement</li> <li>○ Permanent Housing Construction</li> <li>○ ONA: Serious Needs, Clean and Sanitize, Displacement, Childcare, Medical and Dental, Personal Property, Moving and Storage, Transportation, Funeral, Miscellaneous Expenses</li> </ul> </li> <li>▪ Crisis Counseling Program</li> <li>▪ Disaster Unemployment Assistance</li> <li>▪ Disaster Case Management</li> <li>▪ Disaster Legal Services</li> </ul>
<ul style="list-style-type: none"> <li>▪ HMGP is not available under an emergency declaration</li> </ul>	<ul style="list-style-type: none"> <li>▪ HMGP is available under a major disaster declaration</li> </ul>

\* IHP may be authorized under an emergency declaration although it is rare and is typically implemented for major disaster declarations.

## What are the disaster assistance plan requirements?

Outlined below are some of the administrative requirements necessary for Tribal Nations to receive assistance under an emergency or major disaster declaration.

**Table 2: Disaster Assistance Plan Requirements Overview**

Plan Requirement	Description	Timeline*
<a href="#">Emergency Operations Plan</a>	Tribal Nations must activate an emergency plan in order to request an emergency or major disaster declaration. FEMA does not review or approve Emergency Plans, but the activation of the emergency plan helps demonstrate to FEMA that the Tribal Nation has used its resources to satisfy unmet needs of the disaster.	Before an emergency or major disaster declaration request.
<a href="#">Tribal Mitigation Plan</a>	While not required to receive an emergency or major disaster declaration, the Tribal Mitigation Plan is required before the Tribal Nation can receive any funding through the PA Categories C-G and the HMGP. Funding for project grants will not be released until a FEMA-approved Tribal Mitigation Plan is submitted.	Within 90 days of signing the FEMA-Tribe Agreement (FTA).
<a href="#">PA Administrative Plan</a>	Disaster-specific plan after the President declares an emergency or major disaster authorizing PA. For PA funding to be obligated to the Tribal Nation, a disaster-specific PA Administrative Plan must be approved.	Tribal Nations do not need an Administrative Plan to receive a declaration, but they must have one to receive federal financial assistance.
<a href="#">IA ONA Administrative Option Selection Form</a>	Tribal Nations must have an approved IA ONA Administrative Option Selection Form before their community can receive ONA. Through the form, the Tribal Nation decides how ONA will be administered (i.e., by FEMA, by the Tribal Nation, or jointly) and how much assistance will be provided for specific items. Funding for ONA will not be released until the FEMA-approved ONA Administrative Option Selection Form is submitted.	Due annually on Nov 30th and/or within 72 hours of an IA disaster declaration.
<a href="#">HMGP Administrative Plan</a>	A procedural guide detailing how the Tribal Nation will administer its HMGP. Tribal Nations must have an approved HMGP Administrative Plan before receiving HMGP funds.	Within 90 days of the disaster declaration.

\*Extension request may be available for these timelines.

## What are the non-federal cost shares?

Cost shares under the Stafford Act vary by assistance program. Most programs have a 75% federal/ 25% non-federal cost share, except for some IA programs that are 100% federally funded. The President is authorized to adjust or waive the non-federal cost share for PA only.

**Table 3: Disaster Assistance Cost Shares by Assistance Type**

Assistance Type	Cost Share	Waivable (Yes/No)
IA – Housing Assistance, Crisis Counseling Program, Disaster Unemployment Assistance, Disaster Case Management, and Disaster Legal Services	100% Federally funded	N/A
IA – ONA	75% Federal / 25% non-Federal	No – Stafford Act Section 408(g)(2)
PA – All Categories	75% Federal / 25% non-Federal	Yes – 44 CFR § 206.47
PA – Direct Federal Assistance	75% Federal / 25% non-Federal	Yes – 44 CFR § 206.47
Hazard Mitigation – HMGP	75% Federal / 25% non-Federal	No – Stafford Act Section 404(e)

## PA COST SHARE ADJUSTMENTS

Tribal Nations have several avenues for requesting and receiving cost share adjustments for the PA Program:

- FEMA will automatically recommend a **98% federal cost share adjustment** for PA when:
  - The total federal obligation (excluding administrative costs) for PA meets or exceeds \$200,000.

**Table 1: Example of PA Cost Share Adjustment**

Federal Cost Share	Tribal Cost Share	Total Obligations	Tribal Costs	Federal Costs
75%	25%	Less than \$200,000	Less than \$50,000	Less than \$150,000
98%	2%	Greater than or equal to \$200,000	Greater than or equal to \$4,000	Greater than or equal to \$196,000

- Tribal recipients may also receive a **98% federal cost share adjustment** on individual PA projects when they:
  - Complete an eligible Hazard Mitigation Proposal.
  - Ensure the costs of the Hazard Mitigation Proposal are equal to or greater than 20% of the total eligible repair or replacement cost of the project.

## What is the appeals process?

Appeals procedures have been adjusted for Tribal Nations to acknowledge the unique challenges they may face in navigating federal processes, such as compiling documentation and meeting administrative requirements.

The deadline for submitting an appeal following the denial of a declaration request has been extended from 30 days to 60 days from the date of the denial letter. **This extension allows Tribal Nations to:**

- Gather and compile documentation supporting their appeal.
- Ensure a thorough and well-prepared appeal submission to FEMA.

### Appeals must:

- Be submitted to FEMA within the 60-day timeframe.
- Comply with all FEMA regulations and procedural requirements to be considered valid.

### Who to contact for more information?

FEMA encourages Tribal Nations to coordinate with the appropriate FEMA Regional Administrator when they consider whether to request a declaration. Regional Administrators and their Tribal Affairs teams and program staff can provide, at no cost, technical assistance and guidance to Tribal Chief Executives and Tribal Nations throughout the declaration process. Tribal Nations may also request translators from FEMA for their Indigenous languages before and during the disaster declaration process. Tribal Nations can locate the contact information for FEMA Regional Tribal Liaisons and Tribal FEMA Integration Teams on FEMA's online [Tribal Affairs Hub](#). For more information on the declaration process, refer to [FEMA's Tribal Declarations Interim Guidance](#).