

# Fact Sheet on the Updated Tribal Declarations Interim Guidance

In consultation with Tribal Nations, FEMA has released the updated 2024 *Tribal Declarations Interim Guidance*. This document serves as a comprehensive guide for Tribal Nations navigating the major disaster and/or emergency declaration process. This fact sheet highlights significant changes and revisions to the guidance.

## 1. Purpose of Updated Guidance

The 2017 *Tribal Declarations Pilot Guidance* was published after the Sandy Recovery Improvement Act (SRIA), which allowed federally recognized Tribal Nations the option to seek Stafford Act assistance independently from a state’s request for assistance, if they chose to do so. In 2022, FEMA published the 2022-2026 FEMA National Tribal Strategy, which identified the need to update the *Tribal Declarations Pilot Guidance*. The 2024 *Tribal Declarations Interim Guidance* incorporates extensive input from Tribal Nations and includes changes that simplifies standards, streamline information, and enhance access to programs for Tribal Nations.

## 2. Summary of Changes:

In 2023, FEMA conducted nine consultations and listening sessions with Tribal Nations and received nine letters of feedback from a total of 118 Tribal Nations from all 10 FEMA Regions. Based on the feedback provided by Tribal Nations and their representatives during the Tribal Consultation period, the following changes were made to the *Tribal Declarations Interim Guidance*:

Change in Guidance	Overview of Change
Public Assistance (PA) Minimum Damage Amount	FEMA reduces the PA minimum damage amount for Tribal Nations from \$250,000 to \$100,000.
Connecting Individual Assistance (IA) to PA	<p>FEMA takes a holistic view of housing damages for both publicly owned and individually owned tribal housing. When a Tribal Nation is requesting PA, FEMA will automatically recommend that IA be approved when all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• The Tribal Nation wants to receive IA (there is a statutory cost share that cannot be waived by the President);</li> <li>• The President approves PA, and;</li> <li>• Tribally-owned PA eligible housing and individually-owned Individuals and Households Program eligible housing are both impacted at a major or destroyed damage level as determined by the Joint Preliminary Damage Assessments.</li> </ul>

Change in Guidance	Overview of Change
Adjusting the PA Cost Share Model	For Tribal Nation recipients, FEMA will automatically recommend a 98% federal cost share adjustment for the PA Program when the PA actual federal obligations, excluding administrative costs, reaches \$200,000. This cost share adjustment will provide more certainty for non-federal cost shares to Tribal Nations.
Establishing Incentives to Build Back Stronger and Mitigate Future Disasters in Indian Country	FEMA will provide a 98% cost share adjustment for PA projects when a Tribal Nation recipient completes an eligible Hazard Mitigation Proposal where the total cost is equal to or greater than 20% of the eligible cost of that project.
Extending Deadlines to Meet Tribal Nation Needs	<p>FEMA extends various deadlines for Tribal Nation to better meet their needs when responding to and recovering from disasters. These extensions include the following:</p> <ul style="list-style-type: none"> <li>• Increasing the deadline for submitting Hazard Mitigation Plan from 30 days to 90 days;</li> <li>• Increasing the deadline for requesting a major disaster declaration from 30 to 60 days;</li> <li>• Increasing the deadline for requesting PA or any add-ons from 30 to 60 days; and</li> <li>• Increasing the deadline for requesting an appeal to the denial of a declaration request from 30 to 60 days.</li> </ul>
Deferring to Tribal Nations to Define who is a Tribal Community Member	FEMA is clarifying that Tribal Nations have the power to define who is a “tribal community member” during an IA disaster declaration to make sure their full community is served.

### 3. Impact of Changes

These changes reflect the need for updated policies and procedures that best serve the unique needs of Tribal Nations during times of disaster. FEMA has increased flexibility and adaptability for Tribal Nations to declare a major disaster or emergency, allocate funding, receive requested assistance, and close out projects in a timely manner. The updated *Tribal Declarations Interim Guidance* empowers Tribal Nations’ sovereignty and access to federal assistance, thereby enhancing their response and recovery efforts and improving community and tribal community members’ outcomes.