
Stafford Act Tribal Declarations Implementation

For more information and resources, visit
<http://www.fema.gov/tribal>



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Stafford Act Amendment – Tribal Declarations

- The Chief Executive of federally recognized Indian tribal governments have the choice to request Stafford Act major disaster and emergency declarations.
 - Tribal governments may continue to seek Stafford Act assistance as part of state declaration requests – **if tribal governments choose**.
- Allows the President to waive or adjust the cost share for Public Assistance.
- Requires FEMA to “consider the unique conditions that affect the general welfare of Indian tribal governments” when developing regulations.
- Amends all references in the Stafford Act to ‘State and local’ to also include ‘tribal government’



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Tribal Declarations Implementation

- Use of Current Regulations
- Tribal Declarations Pilot Guidance
 - First Draft (FEMA accepting comments until August 31, 2014)
 - Revise draft and consult
 - Final
- Regulations



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Stafford Act Assistance

- Types of assistance that can be requested
- When assistance is requested
- How assistance is requested
- What happens after assistance requested



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The Stafford Act

Robert T. Stafford
Disaster Relief and Emergency
Assistance Act, as Amended

April 2013



FEMA's primary statutory authority for preparedness, response, recovery and mitigation activities.

Other statutes:

- Homeland Security Act
- National Flood Insurance Act of 1968



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Stafford Act Declarations

Major Disaster

Any natural catastrophe . . . or, regardless of cause, any fire, flood, or explosion in any part of the United States which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to **supplement** the efforts and available resources of tribal governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Emergency

Any occasion or instance for which, in the determination of the President, Federal assistance is needed to **supplement** tribal government efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.



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Stafford Act Assistance: Public Assistance



Emergency Work

- A. Debris Removal
- B. Emergency Protective Measures

Infrastructure

Permanent Work

- C. Roads and Bridge Systems
- D. Water Control Facilities
- E. Public Buildings / Equipment
- F. Public Utilities
- G. Other (Parks, Recreation, etc.)

**Cost Share for Public Assistance is 75% Federal-25% Non-Federal.
President is authorized to adjust this cost share.**



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Stafford Act Assistance: Individual Assistance

- **Individuals and Households Program (\$32,400)**
 - Disaster Housing, which provides grants for rental assistance and/or home repairs (for a privately owned home) to survivors whose **primary residences** were damaged by the incident
 - Other Needs Assistance, which provides grants for replacement of personal property, transportation, medical, dental and funeral expenses.
- **Disaster Unemployment Assistance**
- **Crisis Counseling Program**
- **Disaster Legal Services**
- **Disaster Case Management**

Cost Share for Other Needs Assistance is 75% Federal-25% Non-Federal.

President is not authorized to adjust.



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Stafford Act Assistance: Hazard Mitigation

- Mitigation is the effort to reduce loss of life and property by lessening the impact of disasters.
- FEMA-Approved Tribal Mitigation Plan is required for PA Categories C-G and HMGP



**Cost Share for Hazard Mitigation is 75% Federal-25% Non-Federal.
President is not authorized to adjust this cost share.**



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When is Stafford Act assistance requested?

- When the incident is of such severity and magnitude that effective response is **beyond the capabilities** of the State/Indian tribal government and the affected local governments and that Federal assistance is necessary.
- After the Governor/Chief Executive has take appropriate response action under State/Tribal law and **direct execution of the State's/Tribe's emergency plan.**



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How to request Stafford Act assistance



Incident



Tribal Initial Damage Assessment



FEMA-Tribal(State) PDA



Tribal Chief Executive's Request

Request must be submitted within **30 days** of the incident



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How Can a Tribal Government Seek Stafford Act Assistance?

- A tribal government has several options to seek Stafford Act assistance
 - Request their own declaration
 - Seek assistance through a state declaration
 - Choose to be a grantee or sub-grantee
 - Seek one or more types of assistance through its own declaration and seek other types of assistance as part of a state's declaration

NOTE: Work/damage can only be considered in one declaration request and cannot be considered in multiple declaration request.



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After Declaration Requested

FEMA Reviews,
Develops Recommendation



Presidential Determination

- FEMA reviews to determine whether the capabilities of the tribal/state government have been overwhelmed and needs supplemental assistance.



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Factors FEMA Uses to Review Request

Public Assistance

- Estimated Cost of Assistance
 - Per Capita Indicator: \$1.39
 - \$1 million minimum damage amount
- Localized Impacts
- Insurance
- Hazard Mitigation
- Recent Multiple Disasters
- Programs of Other Federal Assistance

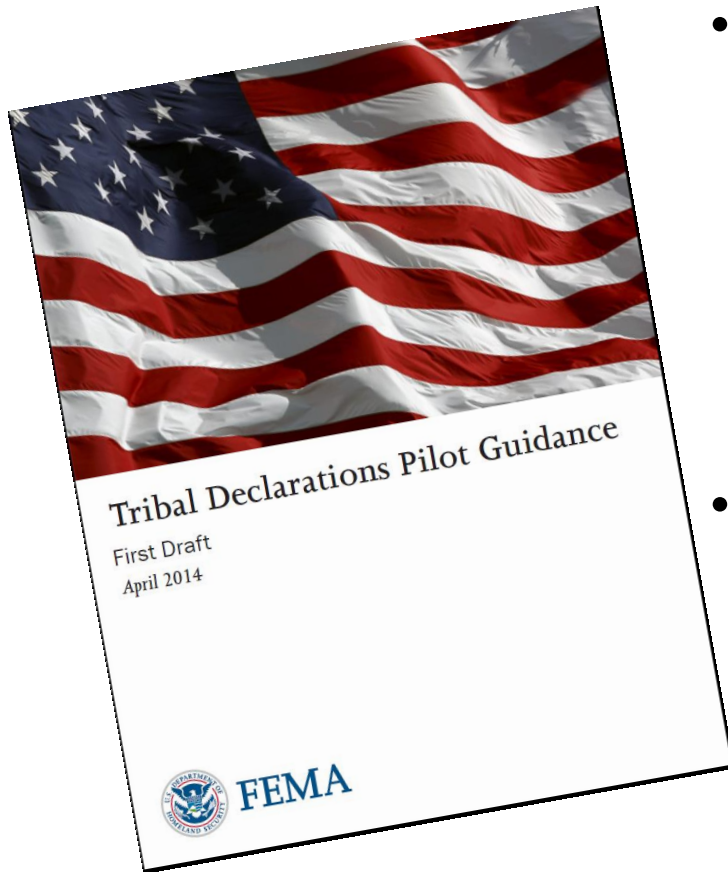
Individual Assistance

- Concentration of Damages
- Trauma
 - # of deaths/injuries, disruption of normal community functions/services, emergency needs (such as extended/widespread loss of power)
- Special Populations
- Voluntary Agency Assistance
- Insurance



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Tribal Consultation



- On April 3, FEMA published the first draft of the Tribal Declarations Pilot Guidance and initiated 120-day tribal consultation.
 - Extended additional 30 days based on tribal feedback
- Consultation Activities
 - 60 in-person meetings
 - Over 500 participants
 - Over 200 tribes



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Thank you!!

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