

# FEMA Assistance for Tribal Governments

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This document provides answers to frequently asked questions about FEMA assistance options for federally recognized tribal governments responding to the COVID-19 pandemic, including the programmatic differences of an emergency declaration, a major disaster declaration and a tribe as a Recipient or as a Subrecipient.

## 1. What types of FEMA assistance are being provided for tribal governments responding to the COVID-19 pandemic?

### Public Assistance

Eligible emergency protective measures taken at the direction or guidance of tribal public health officials, and not provided or funded by the authorities of another federal agency, may be reimbursed under the FEMA Public Assistance Program.

Reimbursable activities for the COVID-19 pandemic fall under Category B of the FEMA Public Assistance program—Emergency Protective Measures—and typically include the activation of tribal (or state) Emergency Operations Centers, management, control and reduction of immediate threats to public health and safety, and other measures necessary to protect public health and safety.

More information on the assistance FEMA may provide during the COVID-19 pandemic under the Public Assistance Program can be found in the [Coronavirus \(COVID-19\) Pandemic: Eligible Emergency Protective Measures Fact Sheet](#) and in the [Public Assistance Program and Policy Guide \(PAPPG\)](#).

### Other FEMA Assistance

Other types of assistance may be requested by a tribal government and authorized by the President, as needed. Currently, FEMA's Individual Assistance Crisis Counseling Program is being provided in some states and tribal members that live inside those states will have access. More information about the Crisis



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Counseling Program may be found in [FEMA Individual Assistance Program and Policy Guide](#).

## 2. What options does a tribal government have for requesting FEMA assistance to respond to the COVID-19 pandemic?

### Nationwide Emergency Declaration

Under the President's March 13, 2020 nationwide emergency declaration for COVID-19, a tribal government may choose to receive FEMA Public Assistance under the nationwide emergency declaration without submitting a separate declaration request:

1. **As a Recipient:** A tribe has the option of signing a FEMA-Tribe Agreement and becoming a Recipient.
  - Tribes that are Recipients have additional requirements and responsibilities for program and grant management and administration (e.g., Public Assistance Administrative Plan, program and accounts start up, applicant briefing, project formulation, documentation, closeout, etc.).
  - Tribes that are new to FEMA assistance and interested in working directly with FEMA should read FEMA's [New Recipients of Disaster Grants Guide](#) and consult with FEMA regional Recovery Division staff to understand the typical legal and administrative requirements of being a Recipient.
  - Tribes that are Recipients will have a direct relationship with FEMA and will receive assistance autonomously from the state or states in which they are located. Tribes that are Recipients have additional requirements and responsibilities for program and grant management and administration (e.g., Public Assistance Administrative Plan, program and accounts start up, applicant briefing, project formulation, documentation, closeout, etc.).
  - Tribes that choose this option will receive their own emergency number from FEMA.
2. **As a Subrecipient under a state:** As of April 17, all states and territories have received major disaster declarations and therefore no longer have open emergency declarations. Tribes can choose to be Subrecipients under a state's major disaster declaration. Tribes that were Subrecipients under a state's emergency declaration will automatically be included under the



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state's major disaster declaration. Subrecipients do not have the grant and program administration responsibilities of a Recipient.

## Major Disaster Declarations

In addition to assistance available to tribal governments under the nationwide emergency declaration, tribal governments have the option to request assistance available under a Presidential major disaster declaration. Every state in the country has received a major disaster declaration, which means every tribal government in the country is covered by a major disaster declaration.

A tribal government may choose to pursue assistance under a major disaster declaration:

- 1. As a Subrecipient under a state declaration:** All states are Recipients for Public Assistance; tribes have the option of working with the state(s) that they are located in and requesting assistance as a Subrecipient.
  - Tribes that are Subrecipients do not need to request a declaration or execute a FEMA-Tribe Agreement or submit a Public Assistance Administrative Plan.
  - Subrecipients do not have the grant and program administration responsibilities of a Recipient.
  - Tribal Subrecipients under a state declaration will receive the same FEMA assistance programs that have been authorized for the state.
  - Tribal Subrecipients that were under a state for the nationwide emergency declaration will automatically be included as Subrecipients under the state's major disaster declaration.
- 2. As a Recipient under a state declaration:** Each tribe has the option of signing a FEMA-Tribe Agreement and becoming a Recipient.
  - Tribes that are Recipients have additional requirements and responsibilities for program and grant management and administration (e.g., Public Assistance Administrative Plan, program and accounts start up, applicant briefing, project formulation, documentation, closeout, etc.).
  - Tribes that are new to FEMA assistance and interested in working directly with FEMA should read FEMA's [New Recipients of Disaster Grants Guide](#) and consult with FEMA regional Recovery Division staff to understand the typical legal and administrative requirements of being a Recipient.



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- A new FEMA-Tribe Agreement will be required, even if a tribe has already completed a FEMA- Tribe Agreement under the nationwide emergency declaration.
  - As a Recipient, a tribe will have a direct relationship with FEMA and will receive assistance autonomously from the state or states in which they are located.
  - Tribal Recipients under a state declaration will receive the same FEMA assistance programs that have been authorized for the state.
- 3. By requesting a direct declaration on behalf of the tribal government:**  
Each tribal government has the option of requesting a major disaster declaration directly to the President through FEMA.
- As the 56 major disaster declarations are currently constituted, tribal governments will not receive any additional assistance, beyond what is already available to them if they opt to be a Recipient, if they pursue their own major disaster declaration.
  - More information about the declaration request process may be found in the [Tribal Declarations Pilot Guidance](#).
  - The President has the sole discretion to declare major disasters.
  - Tribes that are Recipients have additional requirements and responsibilities for program and grant management and administration (e.g., Public Assistance Administrative Plan, program and accounts start up, applicant briefing, project formulation, documentation, closeout, etc.).
  - Tribes that are new to FEMA assistance and interested in working directly with FEMA should read FEMA's [New Recipients of Disaster Grants Guide](#) and consult with FEMA regional Recovery Division staff to understand the typical legal and administrative requirements of being a Recipient.
  - A new FEMA-Tribe Agreement will be required, even if a tribe has already completed a FEMA- Tribe Agreement under the nationwide emergency declaration.
  - Tribes that are Recipients will have a direct relationship with FEMA and will receive assistance autonomously from the state or states in which they are located.

### **3. What options does a tribal government have to request a cost share adjustment as a FEMA Public Assistance Recipient or Subrecipient?**

#### **Nationwide Emergency Declaration**



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As stated in the President's nationwide emergency declaration for COVID-19, FEMA Public Assistance will be provided at a 75 percent Federal/25 percent non-Federal cost share. As Recipients, tribal governments, like state and territorial Recipients, will be responsible for the 25 percent cost share.

- The President has the sole discretion to adjust the cost share under the nationwide emergency.
- Some states choose to share the 25 percent cost share with their Subrecipients to reduce the financial burden on local and tribal governments.

## Major Disaster Declarations

The President has the sole discretion to adjust a cost share under any major disaster declaration.

A state that has received a major disaster declaration due to COVID-19 may request a cost share adjustment on behalf of tribal (and non-tribal) Subrecipients and Recipients in the state.

- FEMA will make a recommendation to the President regarding any request. The President makes cost share adjustment determinations.

In addition, a tribal government Recipient - which has a direct relationship with FEMA - may individually make a request for a cost share adjustment from the President through their FEMA Regional Administrator.

- When Federal obligations meet or exceed \$149 per tribal member FEMA will recommend the President increase the Federal cost share from 75% to not more than 90%. FEMA will use a tribal government's population on or near tribal lands, as reported by a tribal government, to determine per capita obligations for each tribal government that makes a request.
  - In addition, FEMA will also take into consideration the impact of Presidential major disaster declarations that have affected a tribal government during the preceding twelve-month period.

## Donated Resources



The non-Federal share of eligible FEMA Public Assistance work can be offset by applicants through donated resources, such as volunteer labor, donated equipment, supplies or materials and logistical support. FEMA does not provide Public Assistance funding for donated resources; however, the Applicant may use the value of donated resources to offset the non-Federal share of its eligible Emergency Work. More information may be found in FEMA Public Assistance Program and Policy Guide (PAPPG).

#### **4. What is Direct Federal Assistance (DFA)?**

When a tribe (or state) government lacks the capability to perform or to contract for eligible emergency work (e.g., supplies, equipment, personnel, and evacuation assistance) a Recipient may request that the work be accomplished by a Federal agency. FEMA may task another Federal agency to perform or contract the work provided it is an eligible activity. For a list of eligible activities, see [Coronavirus \(COVID-19\) Pandemic: Eligible Emergency Protective Measures Fact Sheet](#)

FEMA issues a “Mission Assignment” to task the work and refers to it as Direct Federal Assistance (DFA). FEMA cannot task work that another Federal agency has its own authority to perform. DFA has the same cost-share provisions applicable to the declaration.

#### **References**

For more information, visit the following websites:

- [Coronavirus \(COVID-19\) Pandemic: Eligible Emergency Protective Measures Fact Sheet](#)
- [Public Assistance Program and Policy Guide \(PAPPG\)](#)
- [New Recipients of Disaster Grants Guide](#)
- [Tribal Declarations Pilot Guidance](#)
- [FEMA’s COVID-19 Webpage](#)

