



Tribal Consultation on FEMA’s 2024 Tribal Declarations Interim Guidance

Framing Paper and Key Concepts

Overarching Consultation Questions

What additional factors or issues should FEMA consider ensuring the 2024 Tribal Declarations Interim Guidance comprehensively meets the needs of Tribal Nations?

What resources and capacity building initiatives should FEMA develop to support the publication, understanding, and effective utilization of the updated 2024 Tribal Declarations Interim Guidance?

Background

Through the [Sandy Recovery Improvement Act \(2013\)](#) (SRIA), the Stafford Act was amended to give federally recognized Indian Tribal Governments (Tribal Nations) the authority to request emergency and major disaster declarations and receive supplemental assistance from FEMA. In 2022, the agency published the [2022-2026 FEMA National Tribal Strategy](#) to better address the needs of Tribal Nations. The objectives of the strategy identified the need to update the [2017 Tribal Declarations Pilot Guidance](#).

Throughout 2023, FEMA worked in a Nation-to-Nation manner with Tribal Nations across the country through extensive tribal consultations and listening sessions to develop updates to the 2017 Tribal Declarations Pilot Guidance. This consultation process was completed in accordance with the commitments and requirements found in the [2022-2026 FEMA National Tribal Strategy](#), [Executive Order 13175](#), [Executive Order 14112](#), and [FEMA's Tribal Consultation Policy](#). During this time, FEMA conducted nine formal government-to-government tribal consultations and listening sessions, both in person and virtually, with 118 Tribal Nations. The input FEMA received from Tribal Nations on the guidance also took the form of a tribal focus group, working groups, tribal resolutions, formal written Tribal Nation responses, and informal discussions with tribal leadership.

The 2024 Tribal Declarations Interim Guidance can be found on the Federal Register website: <https://www.regulations.gov>, identified by Docket ID: FEMA-2024-0035. This guidance provides direction and essential information and resources for Tribal Nations seeking federal assistance in the form of an emergency or major disaster declaration. This version of the guide incorporates the extensive input provided by Tribal Nations, simplifies standards, and streamlines information. By updating federal processes to better address Tribal Nations’ unique challenges, Tribal Nations can more effectively meet the needs of their tribal community members, ultimately improving survivor and tribal community outcomes. The 2024 Tribal Declarations Interim Guidance includes several important updates, including:

Change	Description
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 damage for both publicly-owned and individually-owned tribal housing. When a Tribal Nation is requesting PA, FEMA will also recommend that IA be approved when the following conditions are met:</p> <ul style="list-style-type: none"> • The Tribal Nation wants to receive IA (there is a statutory cost share that cannot be waived by the President); • The President approves PA, and; • 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.
Adjusting the PA Cost Share Model	<p>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.</p> <p>This cost share adjustment will provide more certainty for non-federal cost shares to Tribal Nations.</p>
Establishing Incentives to Build Back Stronger and Mitigate Future Disasters in Indian Country	<p>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.</p>
Extending Deadlines to Meet Tribal Nation Needs	<p>FEMA extends deadlines for submitting Hazard Mitigations Plans, requesting major disaster declarations, and requesting PA or any add-ons for Tribal Nations to the following:</p> <ul style="list-style-type: none"> • Deadline for submitting Hazard Mitigation Plan from 30 days to 90 days; • Deadline for requesting a major disaster declaration from 30 to 60 days; • Deadline for requesting PA or any add-ons from 30 to 60 days; • Deadline for requesting an appeal to the denial of a declaration request from 30 to 60 days.
Deferring to Tribal Nations to Define who is a Tribal Community Member	<p>FEMA is clarifying that Tribal Nations have the power to define who is a “tribal community member” during an IA disaster declaration to ensure their full community is served.</p>

Tribal Consultation

The Office of Response and Recovery (ORR) is hosting a virtual tribal consultation on the Tribal Declarations Interim Guidance, scheduled for **Dec. 19, 2024, from 3:00 – 5:00 p.m. EDT**. Please visit FEMA’s [Tribal Consultations](#) webpage for more information and how you can register to participate.



Tribal Nations can submit comments via the Federal Register website: <https://www.regulations.gov>, identified by Docket ID: FEMA-2024-0035 until Jan. 2, 2025. Please note that written comments submitted to the Federal Register will be made public.

If you or other Tribal Nations have any questions about the consultation, please reach out to our FEMA Tribal Affairs team at fema-tribal@fema.dhs.gov.

Discussion Questions

FEMA's ORR seeks Tribal Nations' feedback on the Tribal Declarations Interim Guidance. Below are questions for consideration. The questions are not in order of priority and are not an exhaustive list of discussion topics.

1. Do the current updates in the Tribal Declarations Interim Guidance address programmatic and federal funding barriers that Tribal Nations encounter when seeking a disaster declaration?
2. What revisions should FEMA consider in the Tribal Declarations Interim Guidance that are not currently addressed?
3. What concerns do Tribal Nations have regarding the implementation of the new updates outlined in the Tribal Declarations Interim Guidance?
4. Are there specific resources FEMA should develop to support the publication and implementation of the updated guidance?
5. What types of capacity building initiatives would help Tribal Nations better understand and utilize the Tribal Declarations Interim Guidance?