

FEMA and Tribal Nations A POCKET GUIDE



FEMA



Introduction

The Tribal Affairs Branch of the Federal Emergency Management Agency (FEMA) Office of External Affairs is pleased to offer this pocket guide to help federally recognized tribes (hereafter referred to as “tribes”) quickly reference information about FEMA programs and the agency’s engagement with tribes.

FEMA is committed to engaging with tribes as part of its government-to-government relationship that recognizes tribal sovereignty. FEMA is a resource for tribes in their efforts to prepare for, protect against, respond to, recover from, and mitigate against emergencies and disasters that impact Indian Country.

This pocket guide answers questions about how FEMA engages with tribes, explains FEMA’s tribal policies, and provides contact information for FEMA team members who are working with tribal nations. In this pocket guide, there are also brief descriptions of FEMA programs and how they can help affected tribes.

The National Tribal Affairs Advisor (NTAA) at FEMA is the lead advisor to the FEMA Administrator for tribal affairs at FEMA Headquarters. The NTAA works closely with FEMA leadership, program staff, and the Regional Tribal Liaisons (RTLs) to ensure that FEMA is engaging with tribes. RTLs are a resource for tribes regarding information on FEMA programs.

FEMA Tribal Policy

FEMA recently updated its Tribal Policy in 2013 to reaffirm a commitment to enhancing the relationship with tribes and to ensure that FEMA and tribes work together to build, sustain, and improve capacity to prepare for, protect against, respond to, recover from, and mitigate against all hazards. The policy is posted online at www.fema.gov/tribal-policies-legislation.

The main objectives of the policy are to build strong and lasting partnerships with federally recognized tribes, direct the agency's interactions with Indian tribal governments, and mirror the commitment of the Department of Homeland Security (DHS) to implementing Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, and the Presidential Memorandum of November 5, 2009, *Tribal Consultation*.

The policy outlines FEMA's commitment to working in partnership with tribes on a government-to-government basis. FEMA is aware that a concerted effort between FEMA and American Indian and Alaska Native tribal governments is needed to establish regular and meaningful consultation and collaboration in the development of policies that have implications for tribal communities.

The Tribal Policy includes the following themes:

- FEMA commits to building a government-to-government relationship with Indian tribal governments.
- FEMA acknowledges the trust responsibility of the Federal Government to Indian tribal governments, as established by treaties, court decisions, statutes, executive orders, regulations, and policies.
- FEMA commits to building a strong and lasting partnership with tribes to assist them in preparing for, responding to, and recovering quickly from hazards.
- FEMA will consult with federally recognized Indian tribal governments before taking a proposed FEMA action that has tribal implications.
- FEMA will encourage cooperation and partnership between and among Federal, tribal, state, and local governments, and public and private entities.
- FEMA will identify and take reasonable, appropriate steps to eliminate or diminish procedural impediments to working directly and effectively with tribal governments.
- FEMA will incorporate the Tribal Policy within the fundamental tenets of the agency's mission.



Tribal Consultation

The Tribal Consultation Policy establishes a process to guide FEMA employees on how to engage tribes and tribal officials in regular and meaningful consultation and collaboration on actions that have tribal implications. The policy is issued under Executive Order 13175 and the Presidential Memorandum of November 5, 2009, Tribal Consultation, and is consistent with the process described in the DHS Tribal Consultation Policy.

The consultation process at FEMA consists of four phases:

1. Identification. (1) FEMA identifies an action to consider for consultation, or (2) an Indian tribe or tribal official requests FEMA to consider consultation on an action by contacting the National Tribal Affairs Advisor (NTAA).
2. Notification. If FEMA intends to conduct consultation on an action, FEMA notifies tribal officials that the consultation will occur.
3. Input. FEMA receives input from tribal officials and tribes on the action. This phase should continue until FEMA finds that there is sufficient input to make an informed decision about the action.
4. Follow-up. FEMA incorporates the input received from tribes into FEMA's decision-making process. FEMA communicates with the tribes that engaged in consultation to inform those tribes of FEMA's decision on the action. Final decisions can also be found on www.fema.gov/tribal.

A list of current and past consultations between FEMA and tribes is available at www.fema.gov/tribal-consultation. For questions or comments on tribal consultations or the process, please email tribalconsultation@fema.dhs.gov or contact your Regional Tribal Liaison.

Preparedness Grants

The Tribal Homeland Security Grant Program (THSGP) plays an important role in the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. The THSGP increases the ability of tribes to prevent, prepare for, protect against, and respond to acts of terrorism, meet their capability targets, and otherwise reduce risk to tribes.

THSGP supports the achievement of the goal by:

- Preventing a threatened or actual act of terrorism;
- Protecting tribal residents, visitors, and assets against the greatest threats and hazards;
- Mitigating the loss of life and property by lessening the impact of future disasters;
- Responding quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident; and
- Recovering through a focus on the timely restoration, strengthening, and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident.

Annual funds are available for allowable costs under the THSGP to a federally recognized tribe that meets certain criteria. Particular emphasis in THSGP will be placed on activities that build and sustain core capabilities that address the greatest risks to the security and resilience of tribal communities and the United States.

In addition to THSGP, tribes may also be eligible for the following programs:

- Emergency Management Performance Grants
- Nonprofit Security Grant Program
- Homeland Security Grant Program
- Port Security Grant Program
- Assistance to Firefighters Grant Program
- Staffing for Adequate Fire and Emergency Response Grant Program
- Fire Prevention and Safety Grant Program

For many of these grant programs, tribes are eligible as a sub-recipient to the State Administrative Agency. Each grant program has specific requirements for applying, and tribal governments should be sure to review these requirements before applying to the program. More information about these programs and eligibility can be found online at www.fema.gov/preparedness-non-disaster-grants.



Training Opportunities

FEMA's Emergency Management Institute (EMI) offers courses for tribal audiences, including tribal emergency managers, tribal community response personnel, and tribal leaders. Courses are available both online and in person. More information about the tribal curriculum can be found online at www.training.fema.gov/tribal.

Training is also available at FEMA's Center for Domestic Preparedness (CDP) in 10 different disciplines, such as law enforcement, health care, and hazardous materials. Training is fully funded by DHS and includes travel, lodging, and meals. More information about CDP can be found at <https://cdp.dhs.gov>.

FEMA also supports and partners with the National Domestic Preparedness Consortium, composed of a number of non-Federal institutions that possess recognized expertise in a variety of response disciplines. Training is delivered at no cost to participants. More information on the Consortium is available at www.ndpc.us.

In addition, FEMA supports the Rural Domestic Preparedness Consortium (RDPC), designed to deliver no-cost training and resources to rural first responders. RDPC courses are provided both in person and online. More information may be found at www.ruraltraining.org.

Please contact your Regional Tribal Liaison to learn about training opportunities available in your area.

National Flood Insurance Program

Anywhere it rains, it can flood. A flood is a general and temporary condition where two or more acres of normally dry land, or two or more properties, are inundated by water or mudflow. A full definition can be found in your Standard Flood Insurance Policy. Many conditions can result in a flood: hurricanes, overtopped levees, outdated or clogged drainage systems, and rapid accumulation of rainfall. Just because you have not experienced a flood in the past does not mean you will not in the future. Since standard homeowners insurance does not cover flooding, it is important to have protection from the floods associated with hurricanes, tropical storms, heavy rains, and other conditions.

The National Flood Insurance Program (NFIP), administered by FEMA, works closely with nearly 90 private insurance companies to offer flood insurance to personal property and commercial owners, including condominium associations, homeowners, business owners, and renters. In order to qualify for flood insurance, a community must join the NFIP and agree to enforce sound floodplain management standards. The NFIP offers

flood insurance that can be purchased through licensed property and casualty insurance agents. Rates are set and do not differ from company to company or agent to agent. These rates depend on many factors, which include the date and type of construction of your home, along with your building's level of risk.

Your local community may also participate in NFIP's Community Rating System, a voluntary incentive program where residents may be eligible for discounted flood insurance premium rates when the community takes action to surpass the minimum requirements to reduce the flood risk in their communities.

As of 2014, 42 tribes participate in NFIP, which accounts for approximately 455 insurance policies.

Visit www.floodsmart.gov for more information on assessing your flood risk, purchasing flood insurance, and protecting your property and community from flood hazards.



Contact FEMA Tribal Affairs

FEMA's tribal efforts are coordinated within the Administrator's Office of External Affairs' Intergovernmental Affairs Division. This office leads tribal relations and consultation at FEMA and serves as the main point of contact between the FEMA Administrator and tribal leaders across the country. The team works closely with FEMA program offices and regional offices to better partner and engage the Nation's 566 federally recognized tribal governments.

National Tribal Affairs Advisor

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Washington, DC 20472

Regional Tribal Liaisons

There is a Regional Tribal Liaison (RTL) for each FEMA region where federally recognized tribes reside. An RTL will be part of the response team if a federally declared emergency or disaster impacts a tribe or Native village. RTLs are a great resource and can answer questions and provide technical assistance. They are the information gateway between tribes and FEMA programs and funding opportunities to support disaster mitigation and emergency planning. You can find contact information for each RTL at www.fema.gov/contact-fema-tribal-liaisons.

FEMA Regional Offices

Region I: CT, ME, MA, NH, RI, VT

99 High Street
Boston, MA 02110
877-336-2734

Region II: NJ, NY, PR, VI

26 Federal Plaza
New York, NY 10278-0002
212-680-3600

Region III: DC, DE, MD, PA, VA, WV

500 C Street SW
Washington, DC 20472
800-621-3362

Region IV: AL, FL, GA, KY, MS, NC, SC, TN

3003 Chamblee Tucker Road
Atlanta, GA 30341
770-220-5200

Region V: IL, IN, MI, MN, OH, WI

536 South Clark Street, 6th Floor
Chicago, IL 60605
312-408-5500

Region VI: AR, LA, NM, OK, TX

FRC 800 North Loop 288
Denton, TX 76209-3698
940-898-5399

Region VII: IA, KS, MO, NE

9221 Ward Parkway, Suite 300
Kansas City, MO 64114-3372
816-283-7061

Region VIII: CO, MT, ND, SD, UT, WY

Denver Federal Center
Building 710, Box 25267
Denver, CO 80225-0267
303-235-4800

Region IX: AZ, CA, HI, NV, and the Pacific Islands

1111 Broadway, Suite 1200
Oakland, CA 94607-4052
800-323-5248

Region X: AK, ID, OR, WA

Federal Regional Center
130 - 228th Street, Southwest
Bothell, WA 98021-8627
425-487-4600

An Overview of FEMA Disaster Assistance Programs

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes the President to make supplemental assistance available when an incident overwhelms the capabilities of tribal, state, or local governments. The President makes disaster assistance available after an emergency declaration or major disaster declaration.

The Sandy Recovery Improvement Act of 2013 (SRIA) amended the Stafford Act to provide federally recognized tribal governments the option to request an emergency or major disaster declaration independently of a state. Tribes still have the choice to be considered part of a state's declaration request if they wish. FEMA and Indian Country advocated for this change.

All disaster declaration requests must be submitted to the President through the appropriate Regional Administrator within 30 days of the incident. FEMA encourages tribal governments to coordinate with the appropriate FEMA region when it considers requesting a declaration.

FEMA regional offices are available to offer tribes technical assistance on requesting disaster assistance.

Information and updates on the process for tribes to request a Stafford Act declaration can be found at www.fema.gov/tribal.

When a Disaster Occurs

- Tribal, state, or local officials conduct an initial damage assessment.
- The tribe or the state requests a joint preliminary damage assessment from FEMA.
- The tribal chief executive or state governor submits a request to the President through a FEMA regional office for an emergency declaration or major disaster declaration within 30 days of the incident.
- FEMA evaluates the request and makes a recommendation to the President on whether or not to make an emergency or major disaster declaration and authorize Stafford Act assistance.
- The President makes a determination and the tribe is notified.

Through a declaration, the President may make available the Public Assistance Program, the Individual Assistance Program, and/or the Hazard Mitigation Grant Program. The type of assistance authorized by the declaration will depend on the impacts of the incident and the resulting unmet needs.

Public Assistance Program

The Public Assistance Program provides assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, government-owned facilities, such as schools and roads. Certain private nonprofit facilities may also be eligible. The Public Assistance Program encourages protection of these damaged facilities from future events by providing assistance for cost-effective hazard mitigation measures during the recovery process.

- Federal cost share: Not less than 75% of eligible costs
- Non-Federal cost share: 25%

The President has the authority to increase the Federal share in situations of severe impact. Tribes directly requesting a Presidential declaration may request an adjustment of the cost share.

What May Be Covered

- Debris removal
- Emergency protective measures (i.e., sheltering, feeding, evacuation)
- Damaged roads and bridges
- Water control facilities
- Buildings and equipment, which may include tribally owned housing
- Private, nonprofit utilities
- Parks and recreational facilities

To be eligible for Public Assistance funding, the work or facility must be:

- Located within the designated area of the declaration
- Required as a result of a declared event
- The legal responsibility of the tribe

Visit www.fema.gov/tribal or contact your FEMA region for additional information.

Post-Disaster Hazard Mitigation Grants

The Hazard Mitigation Grant Program (HMGP) provides grants to tribal, state, and local governments to implement cost-effective, long-term hazard mitigation measures after a major disaster declaration. While the Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) programs are mitigation grant programs that provide mitigation funds before a disaster occurs, the purpose of the HMGP is to reduce the loss of life and damage to property due to disasters, and to enable mitigation measures to be implemented during the immediate recovery after a disaster. HMGP grants are required to have at least a 25% non-Federal cost share. The President does not have the authority to waive this cost share.

Examples of Eligible HMGP Activities

- Property acquisition
- Structure elevation
- Minor flood reduction projects
- Infrastructure retrofit
- Safe rooms
- Soil stabilization
- Wildfire mitigation
- Generators
- Hazard mitigation planning
- Management costs

The PDM and FMA programs share the same purpose, but have different funding authorizations and application time periods under Hazard Mitigation Assistance. A complete description of FEMA's Hazard Mitigation Assistance programs is available online at www.fema.gov/hazard-mitigation-assistance in the Hazard Mitigation Assistance Unified Guidance. Technical assistance is available through the FEMA Regional Administrators and staff, including the Regional Tribal Liaisons.

Individual Assistance Program

The Individual Assistance Program provides supplemental assistance to individuals and households adversely affected by a major disaster. The President may authorize all or some of the following Individual Assistance programs: Individuals and Households Program, Disaster Unemployment Assistance, Disaster Legal Services, Crisis Counseling Assistance, and Disaster Case Management. When requesting declarations, tribal governments must specify what types of Individual Assistance programs are needed.

Individuals and Households Program

The Stafford Act authorizes the President to provide financial assistance or direct services to those disaster survivors who have necessary expenses and serious needs that are unmet through other means, such as insurance.

The Individuals and Households Program may provide Housing Assistance and/or Other Needs Assistance.

Housing Assistance may include:

- Financial assistance to renters or homeowners for lodging or rental expenses while repairs are made to the pre-disaster primary residence
- Financial assistance to homeowners to repair disaster-related damage not covered by insurance
- Direct temporary housing when disaster survivors cannot make use of financial temporary housing assistance due to a lack of adequate alternate housing

Other Needs Assistance may include:

- Financial assistance to pay for disaster-related medical or dental expenses
- Financial assistance to pay for expenses incurred for a death due to the disaster

- Financial assistance to repair or replace common household items, such as furniture and appliances, or ADA-accessible items
- Financial assistance to repair or replace a vehicle damaged by the disaster, or any other transportation-related costs

Financial assistance provided through Other Needs Assistance has a 75% Federal–25% non-Federal cost share, as mandated by the Stafford Act, which the President cannot waive or adjust. The Stafford Act does not require a non-Federal cost share for temporary housing assistance.

Under a tribal declaration, the tribal government determines allowable amounts for Other Needs Assistance through the Other Needs Assistance Administrative Plan. Please contact your FEMA regional office for more information.

Disaster Unemployment Assistance

The Stafford Act authorizes the President to provide Disaster Unemployment Assistance to individuals who have lost work or become unemployed as a result of a major disaster and who are not eligible for regular state unemployment insurance. Benefits start on the date of unemployment and can extend up to 26 weeks after the Presidential disaster declaration date. All unemployed individuals must first register with the state employment services office.

FEMA delegated to the Secretary of Labor the responsibility of administering Disaster Unemployment Assistance. When the President authorizes Disaster Unemployment Assistance, state unemployment insurance agencies implement the program on behalf of the Department of Labor.

Disaster Legal Services

The Stafford Act authorizes the President to provide disaster legal services for low-income disaster victims for disaster-related legal needs. Free legal help is provided through the Young Lawyers Division of the American Bar Association. Services include assistance with:

- Insurance claims
- Wills, power of attorney, and other legal papers lost in the disaster
- Home repair contracts or contractors
- Advice on problems with landlords

Crisis Counseling Assistance and Training Program

The Crisis Counseling Assistance and Training Program is a grant-based program, which funds community-based crisis counseling activities. Activities may include, but are not limited to:

- Assisting disaster survivors with stress and anxiety mitigation
- Using or developing coping strategies
- Linking disaster survivors with other resources that may help in their recovery process

If the tribe identifies unmet crisis counseling needs, the tribe may apply to the FEMA Crisis Counseling Program. The tribal government can request technical assistance on the needs assessment and the application development. Contact your FEMA regional office for more information.

Disaster Case Management Program

The Disaster Case Management Program provides funding to supplement case management services in affected communities. Through Disaster Case Management, case managers work with disaster survivors to develop and carry out a Disaster

Recovery Plan, which assesses disaster-caused unmet need and outlines steps necessary to achieve recovery. The case manager will support the disaster survivors' efforts to meet recovery plan goals and provide information on available resources that match the survivors' disaster-caused unmet needs.

After a major disaster declaration that authorizes Individual Assistance, the tribal government can request Disaster Case Management support through the regional office. The tribal government can also request technical assistance with application development. Contact your FEMA regional office for more information.

Disaster Registration Process

The first step to receiving individual assistance is to register with FEMA. Individuals and families who have sustained losses due to a disaster can apply for assistance by calling 800-621-FEMA (3362) or visiting www.disasterassistance.gov. Applicants can also visit a disaster recovery center. To apply for assistance, individuals seeking help will need:

- A Social Security number
- Financial information, including family income at the time of the disaster
- Current contact information
- The address of the damaged property
- Electronic Funds Transfer information (optional)

U.S. Small Business Administration Disaster Assistance Program

The U.S. Small Business Administration (SBA) provides low-interest loans to homeowners, renters, businesses of all sizes, and private nonprofit organizations who suffered uninsured or underinsured losses from a declared disaster.

- Home and Personal Property Loans
 - ✧ Up to \$200,000 to repair or replace disaster-caused damages to a primary residence
 - ✧ Up to \$40,000 to replace personal property
- Business Physical Disaster Loans for businesses of all sizes
 - ✧ For nonfarm businesses and private, nonprofit organizations, such as charities, churches, and private schools
 - ✧ Up to \$2 million to repair or replace disaster-damaged property

- Economic Injury Disaster Loans for working capital
 - ✧ Up to \$2 million for small nonfarm businesses; small agricultural cooperatives; small businesses engaged in aquaculture; and most private, nonprofit organizations of any size
 - ✧ To cover normal operating expenses through the disaster recovery period
- In some cases, SBA can provide additional loan funds to refinance existing mortgages and/or to mitigate future damage from similar disasters

Disaster loan recipients must obtain and maintain appropriate insurance, including flood insurance if property was damaged by flood or is located in a Special Flood Hazard Area. Secondary homes, pleasure boats, and similar items are not eligible. More information about this program is available at 800-659-2955 or online at www.sba.gov/disaster.

Helpful Links and Numbers

FEMA Website: www.fema.gov

Tribal Affairs

- Phone: 202-646-3444
- Online: www.fema.gov/tribal

Registration for Disaster Assistance

- Phone: 800-621-FEMA (3362) or TTY 800-462-7585 for the speech or hearing impaired
- Online: www.disasterassistance.gov

National Flood Insurance Program

- Phone: 888-379-9531
- Online: www.floodsmart.gov

U.S. Fire Administration

- Phone: 301-447-1000
- Online: www.usfa.fema.gov

Product of the Tribal Affairs Branch in the Office of External Affairs, Intergovernmental Affairs Division



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