



May 2018

# EMERGENCY MANAGEMENT

## Implementation of the Major Disaster Declaration Process for Federally Recognized Tribes

## Why GAO Did This Study

Since the Sandy Recovery Improvement Act (SRIA) of 2013, federally recognized Indian tribes affected by major disasters have had the option to make disaster declaration requests directly to the President of the United States or join a state's request for federal disaster assistance. Prior to this, tribes had to receive assistance through a state.

GAO was asked to assess the implementation of this new authority. This report addresses (1) the factors that influenced selected tribes' decisions about how to seek federal disaster assistance, and (2) the actions FEMA has taken to help tribes exercise the new authority.

GAO analyzed FEMA's pilot guidance for tribal declarations and interviewed FEMA and tribal emergency management experts. GAO also surveyed the 36 tribes who made requests for disaster assistance in fiscal years 2013-2016 about the factors that influenced their decision making. Twenty three tribes responded. GAO visited seven tribes selected from among the survey respondents to represent different FEMA regions and disaster types. The site visits cannot be generalized but provided valuable insights into the opportunities and challenges of exercising this new authority.

## What GAO Recommends

GAO is not making any recommendations in this report.

View [GAO-18-443](#). For more information, contact Chris P. Currie at (404) 479-1875 or [curriec@gao.gov](mailto:curriec@gao.gov).

# EMERGENCY MANAGEMENT

## Implementation of the Major Disaster Declaration Process for Federally Recognized Tribes

## What GAO Found

According to tribal officials GAO surveyed and interviewed, there are several factors they considered when deciding whether to make a direct request or to join a state's request for a major disaster declaration. Key factors that tribes reported considering were the (1) importance of tribal sovereignty, (2) financial matters such as the timeliness with which they receive funds, (3) the level of support they anticipated receiving from the Federal Emergency Management Agency (FEMA), and (4) their own emergency management capacity. For example, survey results showed that tribal officials' confidence in their capacity to manage the declaration was a key factor in determining whether to make a request directly. Specifically, various elements of emergency management capacity, as illustrated below, could affect tribes' ability to manage a declaration.

### Elements of Capacity Needed to Request and Manage a Major Disaster Declaration

			
Plans	Funds	Administrative/financial management expertise	General emergency management expertise
<p>As conditions of receiving federal disaster assistance, tribes must create and maintain plans in accordance with FEMA regulations. Each of these plans require access to specialized knowledge and in some cases significant engineering, technical, or financial expertise. These plans include an Emergency Plan, Administrative Plan for Public Assistance, and Hazard Mitigation Plan.</p>	<p>Tribes must be prepared to pay 10-25 percent of the total cost of any project out of their own budgets. In addition, tribes generally need to have some level of liquid capital to undertake emergency work (which may be reimbursed later through the Public Assistance Program) and for some initial project costs, such as design and project development which may occur prior to obligation of FEMA funding.</p>	<p>To ensure funds are used appropriately, FEMA has in place a number of administrative and financial reporting requirements. Tribes must have personnel with the expertise to respond to these requirements while also being prepared for the Department of Homeland Security's Inspector General to audit their records.</p>	<p>To successfully manage major disaster declaration requests, tribes must supply information that is most effectively developed by or in consultation with emergency management experts using the appropriate lexicon and level of supporting evidence. For example, tribes must be prepared to estimate damages using a method and level of supporting evidence that corresponds with FEMA regulations, and be prepared to clearly and accurately specify the assistance requested.</p>

Source: GAO analysis of Federal Emergency Management Agency guidance, Art Explosion (clip art). | GAO-18-443

FEMA has developed pilot guidance for tribal declarations and solicited comments from tribes, as part of its effort to consider the needs of tribes and develop regulations. According to FEMA officials, they are currently assessing the effectiveness of policies and procedures based on data collected from tribal declarations since the passage of SRIA. These officials said they intend to begin the rulemaking process as soon as 2 years into the pilot, but may delay if they cannot collect enough data about different disaster situations during that time to conduct a complete analysis. Until the regulations are final, officials say they will exercise flexibility whenever possible. In addition, the agency offers training on the tribal declaration process and has dedicated staff who act as primary points of contact for tribal governments that require technical assistance.

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### Abbreviations

DHS	Department of Homeland Security
EMPG	Emergency Management Performance Grant
FEMA	Federal Emergency Management Agency
HMGP	Hazard Mitigation Grant Program
IA	Individual Assistance
PDM	Pre-Disaster Mitigation
PA	Public Assistance
RTL	Regional Tribal Liaisons
Stafford Act	Robert T. Stafford Disaster Relief and Emergency Assistance Act
SRIA	Sandy Recovery Improvement Act of 2013
SHSP	State Homeland Security Program
THSPG	Tribal Homeland Security Program Grant

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May 23, 2018

The Honorable Bill Shuster  
Chairman  
The Honorable Peter A. DeFazio  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Tom Udall  
Vice Chairman  
Committee on Indian Affairs  
United States Senate

The Sandy Recovery Improvement Act (SRIA) of 2013, which amended the Stafford Act, gave federally recognized tribes the authority to make direct requests for major disaster declarations.<sup>1</sup> Prior to 2013, to receive disaster assistance, tribes had to join a major disaster request made by the governor of the state in which the tribe is geographically located. The 2013 amendments to the Stafford Act allow the chief executive of an affected tribal government to make a direct request for a major disaster declaration or join a state's request for a major disaster declaration. When making this decision, tribal officials have to consider whether they have the ability to meet the federal requirements for managing the disaster assistance independent of the state, if approved. The 2013 amendments also direct the Federal Emergency Management Agency (FEMA) to issue regulations to carry out these changes and, as part of this process, to consider the unique conditions that affect the general welfare of tribal governments.<sup>2</sup>

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<sup>1</sup>See Pub. L. No. 113-2, § 1110, 127 Stat. 4, 47-49 (amending Pub. L. No., 93-288, 88 Stat. 143) (codified as amended at 42 U.S.C. § 5170, 5191, 5122). In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, the President of the United States may declare that a major disaster or emergency exists in response to a governor's or tribal chief executive's request if the disaster is "of such severity and magnitude that effective response is beyond the capabilities of [a state, tribe, or local government] and Federal assistance is necessary." See 42 U.S.C. § 5170.

<sup>2</sup>Pub. L. No. 113-2, § 1110(e), 127 Stat. at 49.

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### Major Disaster Declarations

Major disaster declarations provide access to a range of federal response and recovery assistance programs for individuals, nonfederal governments, and others after the President of the United States approves a request by a state governor or tribal chief executive.

The Stafford Act defines a “major disaster” as any natural catastrophe in any part of the United States, which the President determines causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating damage, loss, hardship, or suffering. Such catastrophes could include any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought; or—regardless of cause—any fire, flood, or explosion.

The Federal Emergency Management Agency (FEMA) administers the disaster assistance and coordinates the federal effort to mitigate, respond to, and recover from disasters, and as such is responsible for processing the requests for major disaster declarations and making recommendations to the President whether to declare a disaster. FEMA is also the primary federal agency responsible for administering assistance to aid recovery efforts after a disaster has been declared.

Source: FEMA Tribal Declaration Pilot Guidance, 2017. | GAO-18-443

A major disaster declaration activates numerous assistance programs from FEMA to assist a state or tribal government in its response and recovery efforts.<sup>3</sup> FEMA is responsible for processing the requests for emergency and major disaster declarations and making recommendations to the President whether to declare a disaster. FEMA is also the primary federal agency responsible for administering assistance to aid recovery efforts after a disaster has been declared.

This report examines (1) the factors that influence selected tribes’ decisions about how to seek federal assistance through a major disaster declaration, and (2) the actions FEMA has taken to help tribes exercise the new authority.

To address the first objective, we reviewed FEMA’s pilot guidance for tribal disaster declarations that was published in January 2017, as well as federal regulations and statutes governing the major disaster declaration process. We also reviewed emergency management-related documents provided by tribal governments. We interviewed experts from tribal emergency management organizations and officials from FEMA to compile a list of factors that may have influenced a tribe’s decision to make a direct request or join a state’s request as a sub-recipient. We used that list to form the basis of a survey designed to collect information about the factors that influenced whether a tribe used the new authority or pursued disaster assistance under a state declaration. The survey questions asked tribal officials to identify whether a particular factor was a major factor, a minor factor, or not a factor at all in their decisions to make a direct request or to join a state’s request. We sent our survey to all 36 tribal governments that either (1) received disaster relief funds through a

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<sup>3</sup>Hereafter in this report, only the implementation of major disaster declarations will be examined and are referred to as disaster declarations. In response to a request from a governor of a state or the chief executive of an affected Indian tribal government, the President may declare that a major disaster or emergency exists. 42 U.S.C. § § 5170, 5191. If the President declares an emergency, rather than a major disaster, the federal government may provide immediate and short-term assistance that is necessary to save lives, protect property and public health and safety, or lessen or avert the threat of a catastrophe, among other things. 42 U.S.C. § 5192. Federal assistance may not exceed \$5 million under an emergency declaration unless continued emergency assistance is immediately required; there is a continuing and immediate risk to lives, property, public health or safety; and necessary assistance will not otherwise be provided on a timely basis. 42 U.S.C. § 5193. Additionally, upon the request of a governor, the President may issue a fire assistance declaration that provides financial and other assistance to supplement state and local firefighting resources for fires that threaten destruction that might warrant a major disaster declaration. 44 C.F.R. § 204.21.

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direct request,<sup>4</sup> (2) received disaster relief funds as a sub-recipient of a state's request, or (3) made a direct request that was denied from January 2013 through December 2016. This time period coincides with the first year after SRIA was enacted to the most recently completed calendar year in which full data on declarations were available at the time we were planning our survey and site visit administration. Officials from 23 of the 36 tribes responded to our survey.

To report on FEMA pre-disaster grant funds select tribes received during this period, we collected grant data from FEMA Grants Program Division. To assess the reliability of these data, we performed electronic data testing for obvious errors in accuracy and completeness, and interviewed agency officials knowledgeable about the collection and processing of these data. We determined these data to be sufficiently reliable for the purpose of reporting the grant funds obligated from 2013 through 2016.

In addition, we conducted site visits to 7 tribes selected from the 23 tribes that responded to our survey in order to obtain tribal officials' views on factors influencing their disaster declaration decisions during this period and to observe recent disaster damages, ongoing recovery projects, and aspects of each tribe's emergency management capability. We selected these sites so that as a set they included tribes that made a direct request whether granted or denied, joined a state declaration, and were located in a variety of FEMA regions. Although the information gathered from our survey and site visits cannot be generalized across all tribes, it added context to the survey responses, underscored the uniqueness of each tribe, and offered important details regarding the opportunities and challenges for tribes under this new authority.

To address the second objective, we reviewed relevant documentation, such as the Tribal Declarations Pilot Guidance, and federal regulations and statutes governing the major disaster declaration process. We interviewed representatives from two national tribal organizations to discuss any successes and issues with the new authority that had been reported by their constituents. In addition, during our seven site visits, we gathered testimonial evidence of successes and challenges each tribe faced in implementing the new authority and carrying out the various

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<sup>4</sup>For the purposes of this report we counted the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe as a single tribe. The Minnesota Chippewa Tribe has six component reservations. Only the Bois Forte Band (Nett Lake) was covered by a disaster declaration during the time period covered in our review.

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requirements associated with requesting and managing a major disaster declaration directly or as a sub-recipient to a state declaration. We also interviewed FEMA officials about the actions they had taken to help position tribes to determine whether to exercise the new authority and how to do so, if desired. Further details on our objectives, scope, and methodology are contained in appendix I.

In addition, appendix II contains information on major disaster declarations and pre-disaster grant funds allocated to the 36 tribes described above as our target population. We analyzed data from FEMA's National Emergency Management Information System to determine what tribes received major disaster declarations from 2013 through 2016 and the specific amount of pre-disaster grant funds they received. We discussed, with FEMA personnel who have knowledge of the data collection and maintenance, the controls used to help ensure the accuracy and reliability of these data. We determined the data to be sufficiently reliable for identifying which tribes received what types and amounts of post-disaster assistance and for reporting the pre-disaster grants that tribes received.

We conducted this performance audit from October 2016 through May 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### Federally Recognized Indian Tribes

The federal government has consistently recognized Indian tribes as distinct, independent political communities with inherent powers of limited sovereignty. The 2013 amendments in SRIA allow tribes to decide how to request federal disaster assistance, thereby allowing tribes to exercise their sovereignty.

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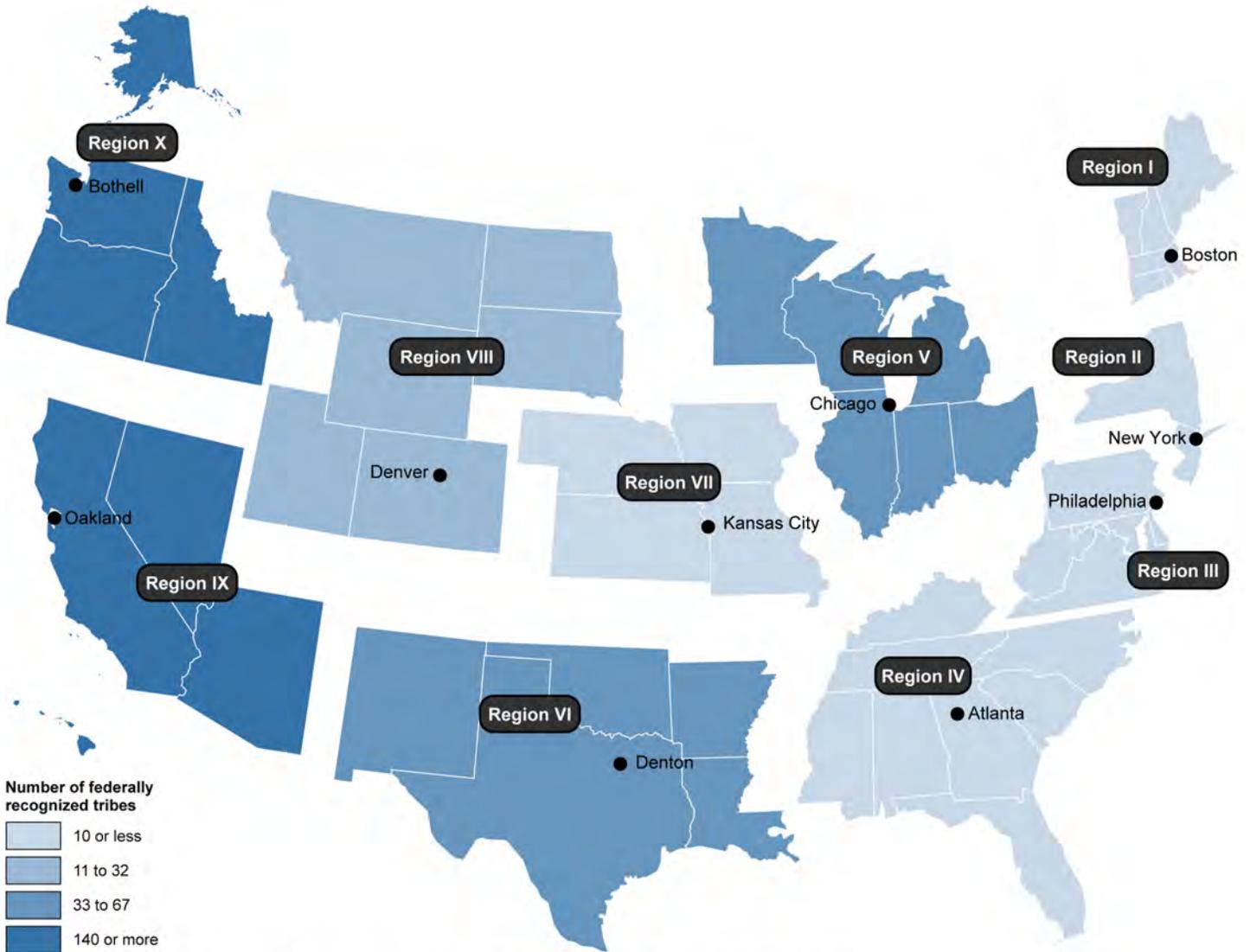
As of April 2018, there were 573 federally recognized Indian tribes, residing on more than 56 million acres.<sup>5</sup> Thirty-six states have at least parts of a tribe within their borders, with fewer tribes located on the East Coast of the United States and over 300 tribes are located in Alaska and California. These tribes are each sovereign governments and vary in size, demographics, and location. For instance, Navajo Nation has the largest reservation covering over 17.5 million acres, stretching across New Mexico, Arizona and Utah, and is home to approximately 174,000 residents, while the Mashantucket Pequot Reservation in Connecticut covers over 2,000 acres and is home to about 350 residents.

Only tribes that are federally recognized can make disaster declaration requests. The 10 FEMA Regions and the location of each regional office, along with the number of federally recognized tribes in each region, are illustrated in figure 1.

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<sup>5</sup>According to the latest Federal Register notice, published January 30, 2018, there are 567 federally recognized Indian tribes. See 83 Fed. Reg. 4235 (Jan. 30, 2018). However, the President signed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017 to extend federal recognition to six tribes in Virginia on January 29, 2018. Pub. L. No. 115-121, 132 Stat. 40 (2018).

**Figure 1: Distribution of Federally Recognized Indian Tribes in the 10 Federal Emergency Management Agency Regions and the Location of Each Regional Office, 2018**



Source: GAO analysis of Federal Emergency Management Agency and Bureau of Indian Affairs data; Map Resources (map). | GAO-18-443

## Pre-Disaster Emergency Management Grants for Tribes

Before a disaster occurs, tribes may need certain resources to assist in the development of their local emergency management capacity. In addition to offering technical assistance for certain administrative requirements, such as developing a hazard mitigation plan, FEMA administers four pre-disaster grant programs that tribes may access.

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These grant programs could provide tribes, either directly or as a sub-grantee through a state, with funds that would help support aspects of their emergency management capability. They are:

**Emergency Management Performance Grant (EMPG).** The purpose of EMPG is to help build and sustain core emergency management capabilities. EMPG is particularly important for building the capacity to declare and manage a disaster, because it is the primary federal program for which salaries and training for emergency management personnel is an allowable expense. Only states and U.S. territories are eligible to receive EMPG funds directly. According to FEMA officials, after states receive EMPG funds, they make determinations about whether and under what conditions to provide the funds to tribes and local governments within their geographical boundaries. However, according to officials, not all states will distribute EMPG funds to tribes.

**State Homeland Security Program (SHSP).** The purpose of SHSP is to help states and U.S. territories prevent, prepare for, protect against, and respond to acts of terrorism and otherwise reduce overall risk. Allowable expenses include, but are not limited to, equipment, training, and exercises. As with EMPG, states and territories receive SHSP funds and subsequently decide how to distribute them.

**Tribal Homeland Security Grant Program (THSGP).** THSGP is a tribal-specific grant program intended to serve the same general purpose as SHSP. THSGP is available to tribes that meet one or more specific criteria, including comprising at least 1,000 square miles of Indian country or being near an international border, near prioritized critical infrastructure, or within or adjacent to one of the 50 most populous regions in the United States.<sup>6</sup>

**Pre-Disaster Mitigation (PDM).** A PDM grant primarily funds development and upkeep of hazard mitigation plans, but can be used for hazard mitigation projects as well. All nonfederal governments—including tribal governments—must have an up-to-date, FEMA-approved hazard

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<sup>6</sup>See 6 U.S.C. § 601(4) (defining a “directly eligible tribe” for the purposes of the tribal homeland security grant program as any Indian tribe located in the continental United States that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services and that meets one of the criteria described above, such as being located on or near an international border or a coastline bordering an ocean or comprising not less than 1,000 square miles of Indian country).

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mitigation plan in place before receiving disaster assistance following a major disaster declaration.

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## Declaration Process for Major Disaster Declarations

After a disaster, tribal chief executives may request federal assistance, if the disaster is of such severity and magnitude that effective response is beyond the capabilities of the affected tribal government and federal assistance is necessary.<sup>7</sup> Tribes may make a request for assistance as a direct recipient, or they may join a state's request as a sub-recipient.<sup>8</sup>

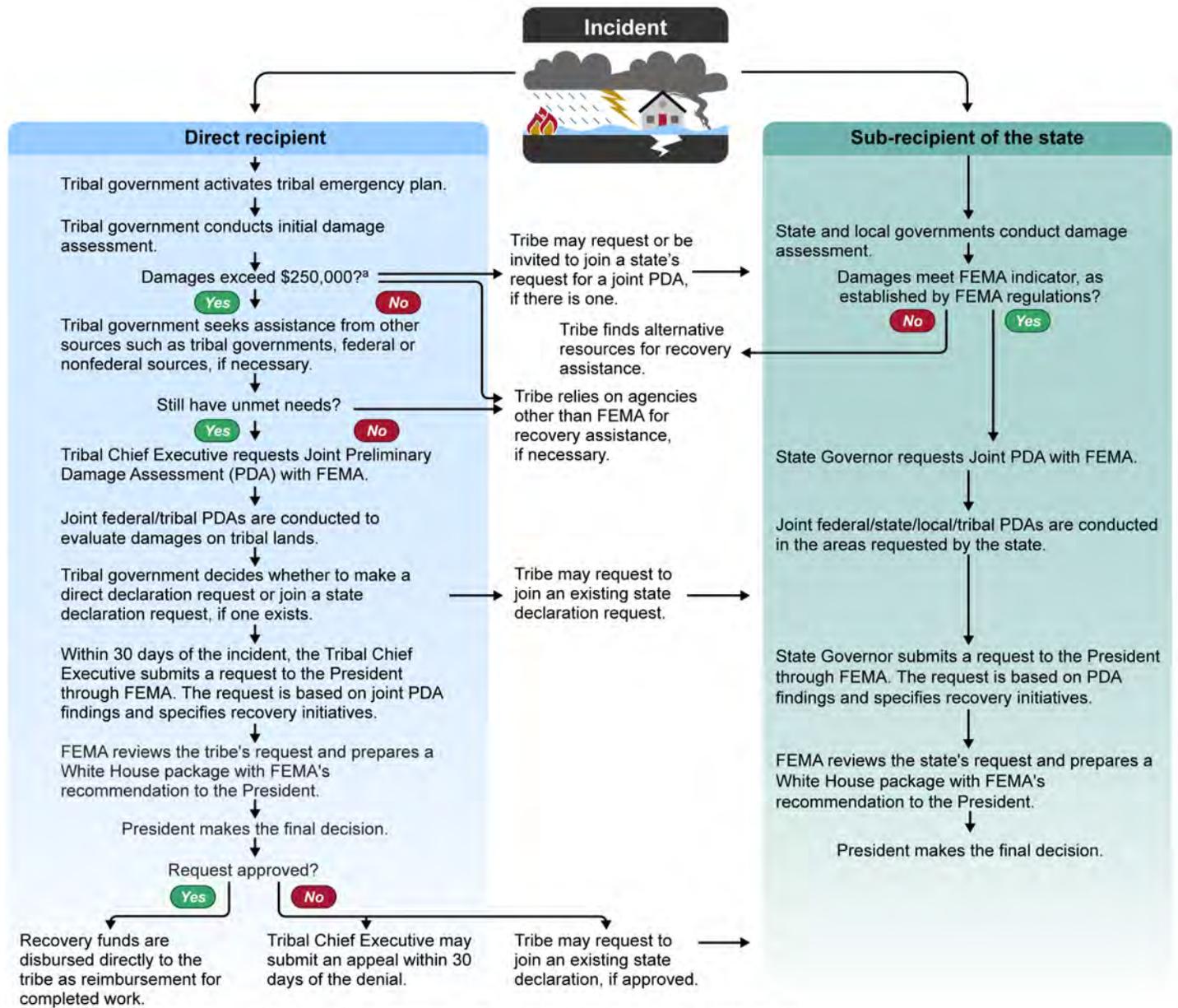
Similar to the state request process, FEMA Regional Administrators evaluate the tribe's request and make a recommendation to FEMA headquarters. The FEMA Administrator then sends the recommendation to the President for a final decision as to whether the tribe's, or a state's, request for a major disaster declaration should be approved or denied. Figure 2 illustrates the process tribes follow to make a direct request or join a state's request.

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<sup>7</sup>See 42 U.S.C. § 5170(b).

<sup>8</sup>Tribes may choose to join a state's request for a major disaster declaration as a direct recipient or a sub-recipient. According to FEMA data, from 2013 to 2016, most tribes join state requests as sub-recipients.

**Figure 2: Major Disaster Declaration Process for Tribes, as Administered by the Federal Emergency Management Agency (FEMA)**



Source: GAO analysis of Federal Emergency Management Agency (FEMA) major disaster declaration guidance for tribes. | GAO-18-443

<sup>a</sup>According to FEMA’s Pilot Guidance on Tribal Disaster Declarations, absent extraordinary circumstances, the minimum amount of eligible damages that must be sustained during a disaster to generally qualify for Public Assistance through a major disaster declaration is \$250,000.

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## Federal Disaster Assistance Available to Tribes Following a Major Disaster Declaration

When a major disaster is declared, FEMA provides disaster assistance for eligible disaster recovery projects through the Disaster Relief Fund (DRF). The three types of post-disaster grants, through the DRF, that state governors or tribal chief executives may request are:

- (1) Public Assistance (PA), which provides grants for eligible emergency work and repairs or restoration to infrastructure.
- (2) Individual Assistance (IA), which provides assistance to individuals and households to meet their sustenance, shelter, and medical needs.
- (3) Hazard Mitigation Grant Program (HMGP), which provides grants for eligible projects to reduce the potential for future damage.

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## Tribal Requests for Major Disaster Declarations from 2013 through 2016

According to FEMA data, between 2013 and 2016, 36 tribes made requests for disaster assistance as a direct recipient or by joining a state's request. Of those 36 tribes:

- Fifteen tribes made a total of 17 direct requests to the U.S. President through FEMA for major disaster declarations.
  - Eight of these requests were approved across 7 tribes. From 2013 through 2016, the Pueblo of Santa Clara, New Mexico was the only tribe approved for two major disaster declarations for severe storms and flooding in 2013.
  - The remaining 9 direct requests were denied across 9 tribes.
- Twenty-nine tribes were sub-recipients under 36 state major disaster declaration requests.
- Eight tribes made a direct request and also joined at least one state request for a major disaster declaration.<sup>9</sup>

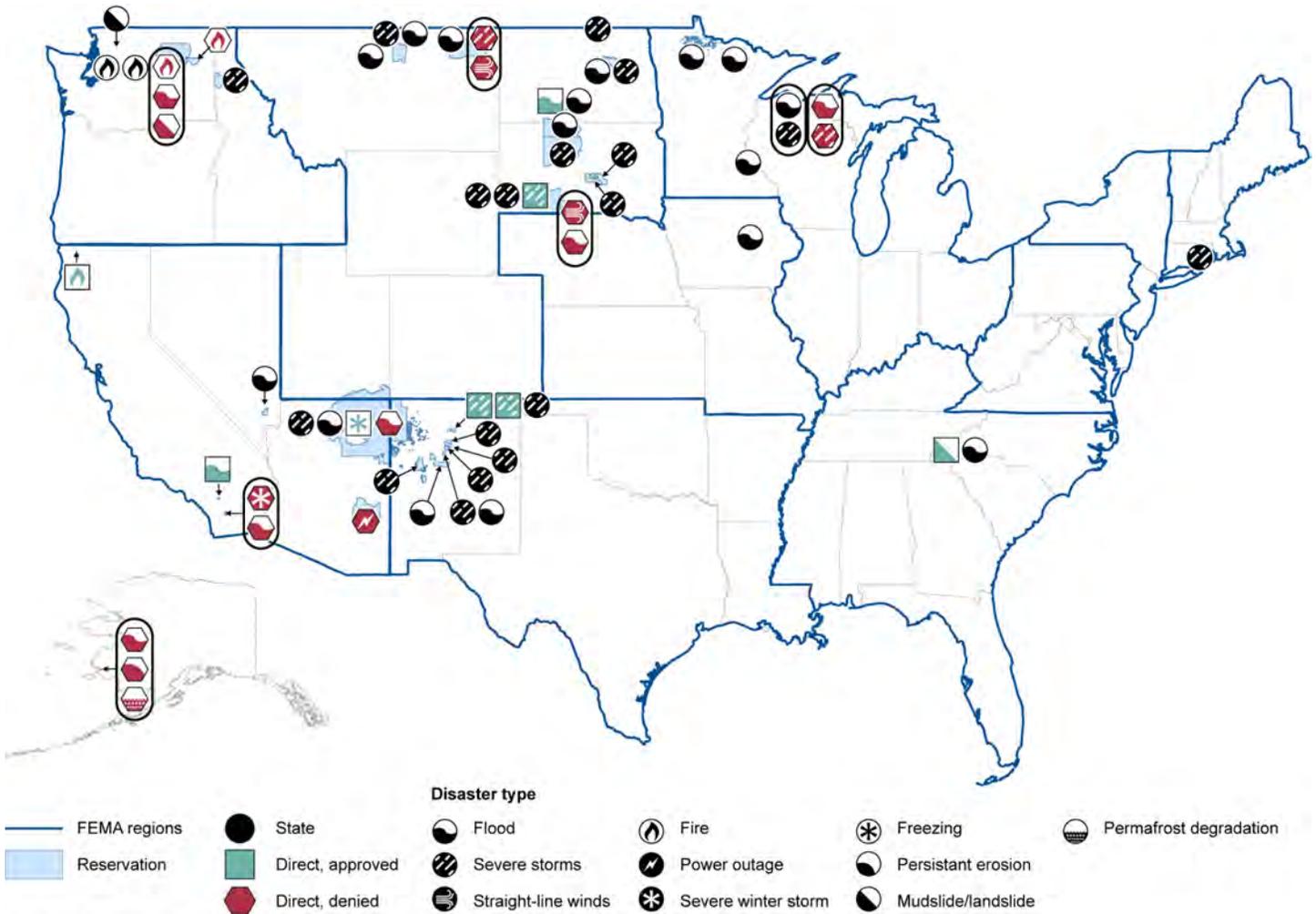
Figure 3 below shows the types of state requests tribes joined as well as the direct tribal requests that were approved and denied between 2013 and 2016. See appendix II for background information on the 36 tribes

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<sup>9</sup>The total number of tribes is 36. These 8 tribes that received disaster assistance both directly and as part of a state declaration are double-counted. That is, they appear in the count of 15 tribes that made direct requests and in the count of 29 tribes that were sub-recipients under a state request. Eight double-counted tribes subtracted from the sum of 15 and 29 is 36.

that made requests for disaster assistance and those that received pre-disaster grants during the study period.

**Figure 3: Geographic Distribution of Direct Requests by Tribes for Major Disaster Declarations and State Requested Major Disaster Declarations that Tribes Joined, by Disaster Type, 2013–2016**

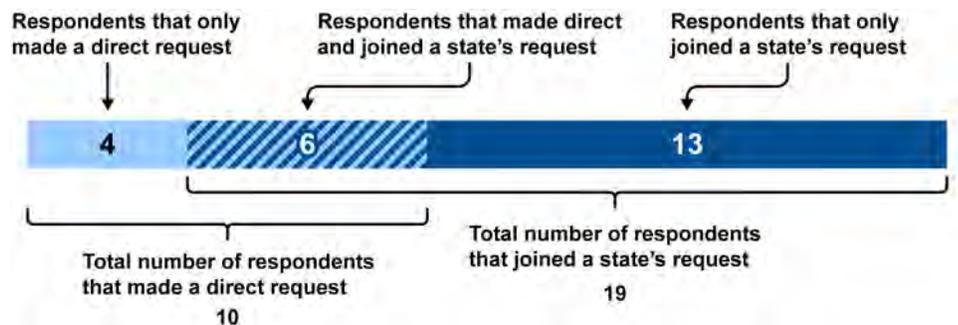


Source: GAO analysis of Federal Emergency Management Agency data; MapInfo (map). | GAO-18-443

## Tribes Considered Sovereignty, Finances, FEMA Support, and Emergency Management Capacity When Deciding How to Request a Disaster Declaration

Officials from the tribes that responded to our survey and those we interviewed reported that there are several factors they took into consideration when deciding whether to make a direct request or to join a state's request for a disaster declaration, during the 2013 to 2016 period. On the basis of the cumulative responses from these officials, we found that tribal sovereignty, financial matters, FEMA support, and the tribe's emergency management capacity were key factors in their decision-making process. As shown in figure 4, the 23 survey respondents fall into three subsets, which totals 29 direct and state requests made by the survey respondents.

**Figure 4: Distribution of the 23 Survey Respondents that Requested Federal Disaster Assistance, by Type of Declaration Request During Fiscal Years 2013 through 2016**



Source: GAO analysis of Federal Emergency Management Agency data and survey results. | GAO-18-443

## Tribal Sovereignty and Government-to-Government Relationship

Nine of 10 survey respondents that made at least one direct request during the 2013 to 2016 period reported that tribal sovereignty was a major factor they considered when making a direct request. Two survey respondents reported that the new authority is of strategic importance for tribal sovereignty because they are no longer required to join a state's request when seeking a major disaster declaration. For example, in instances where the state's request for a major disaster declaration has been denied, tribes now have the option to request disaster assistance directly as a result of this new authority.

This factor was also of practical importance for tribes with reservations located in more than one state or county. During our site visit interviews, officials from one tribe said it was a challenge to manage multiple state bureaucracies when the reservation spans multiple states. In some cases, portions of a reservation may not receive disaster assistance if

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one state—or county—did not request or receive a major disaster declaration. Officials from 5 tribes we visited said they prefer making direct requests because of the government-to-government relationship with the United States, and because working through the state as an intermediary impinged on their sovereignty. An official from one small rural tribe said that the tribe currently does not have the capacity to make a direct request but is taking the steps to do so in the future because it is important to their tribal sovereignty.

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## Financial Considerations

Tribal officials responding to our survey and interview questions reported that the potential to receive additional assistance from states to pay the non-federal cost share might influence them to join a state's request. Conversely, the timeliness of reimbursement and the potential to receive administrative costs and HMGP grants might be factors in deciding to make a direct request.

### Nonfederal Cost Share for Direct Recipients and Sub-recipients

The nonfederal cost share in PA and HMGP programs constitutes the portion of the costs not covered by the federal government. Major disaster recovery work approved for federal funding generally has a 75 percent federal-25 percent nonfederal cost share.

Tribes joining a state request may have agreements with the state to split the nonfederal cost share. In some cases, the state may cover all of this cost. In other instances, a state may cover half or none of the costs.

Tribes that are direct recipients are solely responsible for the 25 percent nonfederal cost share. However, similar to states, tribes can request a waiver from the President to lower their portion of the cost from 25 percent but not lower than 10 percent of some recovery efforts. During the declaration request process, tribal governments are required to certify that they will comply with the cost share requirements.

Source: GAO analysis of FEMA guidance and interview. | GAO-18-443

Eight out of 13 respondents that received disaster assistance only as a sub-recipient of a state reported that they had concerns about paying the required nonfederal cost-share. When managing disaster assistance grants as a direct recipient, a tribal government is solely responsible for the entire nonfederal cost share. On the other hand, if the tribe is a sub-recipient to a state request, the tribe may have a lighter financial burden since several states offer partial or full nonfederal cost share assistance to their local and tribal sub-recipients. For example, officials from one tribe said that there is a strong financial incentive to join a state's request because the state reimburses the tribal government's half of the cost share.

In addition, some tribes may face financial hardship with the startup cost for recovery projects because PA and HMGP are reimbursement programs.<sup>10</sup> For example, one tribal official said that it is especially difficult for small, rural, non-gaming tribes to find the financial capital to initiate recovery and hazard mitigation projects. While some tribes may have the money set aside for this purpose or may be able to secure loans to begin projects like the one illustrated in figure 5, other tribes are unable to start certain internal processes until the FEMA funds have been obligated. At a minimum, recipients have to present a scope of work

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<sup>10</sup>The amount of funds the recipient needs to initiate work on recovery projects, prior to being reimbursed through DRF funds, depends on multiple factors, including the size and scope of the project.

before they can receive funds, the preparation of which usually requires the services of engineers or other technical experts. Therefore, the timeliness of the reimbursements, especially when the tribe is a sub-recipient under a state request, can result in financial challenges. For example, one tribal official we interviewed said that it takes much longer, on average, to request and receive reimbursement for recovery projects when the tribe has to submit the request through the state. Conversely, the official noted that reimbursement processes are typically much quicker when working directly with FEMA.

**Figure 5: Example of Tribal Hazard Mitigation Project After a Flash Flood Washed Out a Road in 2013**



Source: GAO. | GAO-18-443

During our site visit interviews, officials from one tribe told us that they prefer to make direct requests so they could receive HMGP funds to make decisions about the hazard mitigation projects on their reservation. Generally, as a direct recipient, a state or tribe will receive HMGP funding based on a percentage, usually 15 percent, of the total amount of PA and IA funds received for the disaster recovery. HMGP funds can be used for eligible hazard mitigation projects or to create or renew hazard mitigation plans. Under a state declaration, the state receives these funds and can,

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at its discretion, use them anywhere within its boundaries for eligible projects. According to officials from one tribe, they can ensure they receive the total amount of HMGP funds to use on hazard mitigation projects within their own jurisdiction when they are a direct recipient.

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### FEMA's Policies, Guidance, and Technical Assistance

Tribal officials' confidence in the level of support they expected to receive from FEMA influenced their decision whether to make a direct request or to join a state. Specifically, in response to our survey, tribes that made direct requests largely reported that they believed FEMA's policies and requirements would be clear enough for them to effectively navigate the processes and that timely and accurate information would be available. In contrast, multiple tribes that decided to join a state's request reported that their concerns in those areas influenced their decisions to join a state's request.

### FEMA Policies and Guidance

Eight of the 10 tribes responding to our survey that requested a direct disaster declaration during the 2013 to 2016 period stated that the clarity of policy and guidance was a factor (five called it a major factor and three deemed it minor) in their decision making. Conversely, eight of the 13 tribes that only joined a state request reported that concern about FEMA's policies and requirements being clear enough to seek a direct request was a factor in their decision to join a state request.

During our site visit interviews, officials from 2 tribes discussed challenges they have experienced with FEMA's policies and requirements for estimating IA-related damages. Applicants for IA, including owners and renters, must be able to prove they occupied the damaged dwelling, pre-disaster, as their primary residence before receiving assistance. However, according to tribal officials, many homeowners on reservations do not possess formal deeds to their home or do not carry insurance, making it difficult for FEMA to ensure that potential recipients of the IA funds meet the requirements of the program. According to FEMA officials, the agency has attempted to be flexible during the pilot phase of the tribal declarations program. For example, FEMA officials in one region told us that they would accept a tribal government's declaration of home ownership in lieu of a formal deed. FEMA officials told us they will continue to evaluate how issues of homeownership will be adjudicated.

In addition, during our site visit interviews, officials from 3 tribes discussed various types of difficulty with completing and maintaining the paperwork associated with recovery projects. For example, officials from a tribe stated that they are not equipped to manage and comply with processes

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such as permit requirements or federal procurement procedures and as a result are currently seeking to hire a full time emergency manager. Throughout the life of a major disaster declaration, tribal officials are required to maintain paperwork to document the recovery projects, which can require both physical and electronic recordkeeping systems, space, time, and expertise. For example, figure 6 below shows an example of the volume of paperwork needed to support and close out the recovery projects associated with a landslide in Washington State, according to the tribal and state officials involved.<sup>11</sup>

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<sup>11</sup>According to FEMA officials, the amount of documentation associated with closing a major disaster declaration is not a measureable indicator of the complexity of FEMA's administrative processes. Although this review was not designed to evaluate the appropriate amount of paperwork to administer projects, and not every declaration will require the same amount of paperwork, this photo illustrates that significant resources may be required. In March 2018, FEMA released its Strategic Plan for Fiscal Years 2018-2022, which includes a top level goal to "Reduce the Complexity of FEMA." The goal, among other things, aims to reduce administrative and bureaucratic burdens for disaster survivors.

**Figure 6: Illustration of the Amount of Paperwork Submitted to FEMA to Close a Major Disaster Declaration following a Landslide in Washington, 2013**



Source: State of Washington and The Confederated Tribes of the Colville Reservation. | GAO-18-443

## FEMA Technical Assistance

Nine of 10 tribes responding to our survey that were awarded a direct disaster declaration reported that a factor (six major and three minor) in their decision making was their determination that the availability of timely and accurate assistance from FEMA would help them successfully manage the request process. For tribes that only joined state requests, fewer tribes reported that concerns about receiving timely and accurate technical assistance affected their decisions than those that had concerns about the clarity of FEMA's policy and guidance. Four of the 13 total tribes that only joined a state declaration cited concerns about having

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access to technical assistance as a factor (one called it a major and three deemed it minor).

#### Damage Assessments

After a disaster occurs, the first step in the declaration process is for the tribe to conduct an assessment of the impacts of the disaster to determine if there are needs that cannot be addressed with tribal resources or through insurance. Using this assessment—known as an initial damage assessment—a tribal government can determine what, if any, needs or damages are eligible for FEMA disaster assistance. If a tribe determines that such needs or damages are beyond its capabilities to address with its own resources or insurance, the next step is to request a Joint Preliminary Damage Assessment (Joint PDA) from their FEMA Regional Administrator so that FEMA and the tribe can go through a process of reaching agreement about what damages and needs are eligible.

Source: GAO analysis of FEMA guidance and policies. | GAO-18-443

According to FEMA officials, the agency has assigned staff as dedicated Regional Tribal Liaisons (RTL) in all FEMA regional offices. RTLs help tribes maintain awareness of various program requirements, including those for conducting damage assessments and submitting requests for major disaster declarations. RTLs accomplish this role by connecting tribes with FEMA subject matter experts, who help tribes navigate the major disaster declaration processes and programs. During our site visit interviews, officials from 5 tribes we interviewed discussed the importance of having a good working relationship with FEMA regional officials. Some of the steps FEMA has taken to provide technical assistance to tribes are discussed further below.

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## Tribes' Emergency Management Capacity

Tribal officials' confidence in the tribe's capacity to manage the major disaster declaration process and subsequently administer the recovery without assistance from a state was a key factor in determining whether or not to seek a request directly or join a state request.

Tribes, like states, have to carry out specific tasks and meet eligibility requirements to be able to make a direct request and manage the recovery processes for a major disaster declaration, as shown in figure 7. While states have had decades to develop the emergency management capacity needed to request and administer federal disaster assistance, tribes have had the opportunity to apply directly for federal disaster assistance since the passage of SRIA in 2013. Developing and maintaining such a capacity requires, among other things, having in-house knowledge or the ability to contract for (or otherwise access) specialized expertise to navigate through complex planning and processes.

**Figure 7: Key Elements of Capacity Needed to Request a Major Disaster Declaration and Manage the Recovery Process, According to Federal Emergency Management Agency (FEMA) Requirements**



**Plans**

As conditions of receiving federal disaster assistance through a major disaster declaration, tribes must create and maintain plans in accordance with FEMA regulations and some of these plans require FEMA approval. Each of these plans require access to specialized knowledge and in some cases significant engineering, technical, or financial expertise.

- The Emergency Plan describes how a tribal government will provide resources to satisfy unmet needs and is required to demonstrate appropriate response under tribal law, as required by the Stafford Act.
- The Administrative Plan for Public Assistance (PA) or Hazard Mitigation Grant Program (HMGP) is required before a tribe can receive these funds and describes how a tribe will administer those funds.
- The Hazard Mitigation Plan is required for a tribe to receive PA and HMGP funds and is used to identify hazards and vulnerabilities along with a plan to address them.



**Funds**

Tribes must be prepared to pay 10 to 25 percent of the total cost of any project out of their own budgets.

In addition, because PA and HMGP are reimbursement programs, tribes generally need to have some liquid capital or the ability to secure a loan to undertake emergency work and some initial project costs, such as design and project development, which may occur prior to obligation of FEMA funding.



**Administrative/financial management expertise and document management systems**

To ensure funds are used appropriately and accountably, FEMA has in place a number of administrative and financial reporting requirements. Tribes must have personnel with the expertise to respond to these requirements while also being prepared for the Department of Homeland Security's Inspector General to audit their records.



**General emergency management experience and expertise and comprehensive knowledge of tribal resources and conditions**

To make a successful major disaster declaration request, tribes must supply a range of information that is most effectively developed by or in consultation with emergency management experts who can prepare the request using the appropriate lexicon and level of supporting evidence. For example, among other things tribes must be prepared to estimate damages using a method and level of supporting evidence that corresponds with FEMA regulations, to similarly describe the resources the tribe will use for recovery in accordance with FEMA regulations, and to clearly and accurately specify the assistance requested (for which it is helpful to understand the range of what is available and the nuances of each type of available assistance).

Source: GAO analysis of FEMA guidance and tribal interviews; Art Explosion (clip art). | GAO-18-443

Multiple officials from tribes we interviewed and surveyed reported challenges building and maintaining emergency management capacity

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that affected their ability to make direct requests for, and manage the recovery effort associated with, a major disaster declaration.<sup>12</sup>

Specifically, 9 of 10 tribes responding to our survey that made a direct request said determining that their tribes had the emergency management capacity to successfully manage the major disaster declaration request process was a factor (6 identified it as minor, 3 as major). Conversely, 7 of the 13 tribes responding to our survey that only joined a state request said determining that they did not have the emergency management capacity to successfully manage the major disaster declaration request process was a factor in their decisions (4 identified as major, 3 as minor). As with the capacity to handle the declaration process, determining whether the tribe had the capacity to manage the recovery process, as illustrated in figure 7, also affected decision making. Officials from one tribe we interviewed who had not made direct requests told us that unless they have the emergency management capacity to manage both the request and the recovery process, they plan to continue joining states' requests whenever possible.

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<sup>12</sup>Our interviews with tribal officials were designed to elicit information about their capacity to manage the FEMA process of requesting and managing associated federal disaster assistance funds. Tribal officials did not discuss the tribe's capacity to respond to and recover from disasters in the absence of any federal assistance during these interviews.

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### **Tribal Hazard Mitigation Plan**

A Tribal Hazard Mitigation Plan describes sustained actions that may be taken by the tribal government to reduce or eliminate the long-term risk of future damage to human life and property from hazards. When making a direct request for a major disaster declaration, a tribal government must have a Federal Emergency Management Agency (FEMA)-approved Tribal Mitigation Plan that meets the requirements in 44 C.F.R. § 201.7 before receiving FEMA disaster assistance funds under certain programs. If electing to be a sub-recipient under a state's major disaster declaration request, the tribal government may be eligible to receive disaster assistance funds through the state without having a Tribal Mitigation Plan.

Source: GAO analysis of FEMA Policies. | GAO-18-443

A tribal emergency management consultant who works with several tribes in one of the areas where we conducted site visits told us that the lack of a FEMA-approved tribal hazard mitigation plan limits the ability of many of these tribes to receive disaster funding. A hazard mitigation plan is required prior to a recipient being able to receive PA permanent work or HMGP. As of December 2017, 143 out of 567 tribes had a FEMA-approved Tribal Mitigation Plan, according to FEMA.<sup>13</sup> In addition, the consultant reported that some tribes also lacked a designated emergency manager and hiring one may be unaffordable or in some cases, the applicants lack qualifications. For another tribe, the designated emergency manager had several job titles, including the tribe's first responder and fire chief, which the official said makes it difficult to dedicate the time required to hone the skills necessary to manage the FEMA declaration processes. The official recounted an attempt to develop a hazard mitigation plan that at the time of our interview was still incomplete due, in part, to the complexity of the FEMA guidelines. In such cases, tribes may need to hire a specialist to assist with this administrative requirement, but may not have the budget to do so.

Another challenge tribal officials identified is that tribes face barriers to accessing federal pre-disaster funding that could help them build capacity to manage post-disaster grants following a successful declaration request. During our site visit interviews, officials from two tribes told us they have considered seeking federal grant opportunities to help enhance emergency management capacity, but the eligibility requirements, such as the requirement to be near designated critical infrastructure or within 100 miles of the border, for the tribal homeland security grants program precluded them from applying.<sup>14</sup> They also said that they have received few, if any, state homeland security grant funds from states.<sup>15</sup>

EMPG pays for salaries and is the primary source of support for developing and maintaining the requisite emergency management

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<sup>13</sup>The 567 tribes do not include the six tribes that were extended federal recognition in Virginia on January 29, 2018.

<sup>14</sup>According to FEMA, it is difficult to ascertain the number of federally recognized tribes that qualify for THSGP in any given year. For instance, one criterion is that an applicant be located within 10 miles of a system or asset on the critical infrastructure list. However, this list may change from year to year so a tribe that is eligible based on this criterion may lose its eligibility.

<sup>15</sup>Tribes may not apply directly for SHSP and EMPG funding, but funding may be available to them through the state government.

expertise. According to the FEMA and tribal officials we spoke with, as well as grant data provided by FEMA, tribes receive relatively low amounts of EMPG funding (see table 1 below) through the states. Tribes are not eligible to apply directly to FEMA for EMPG funds. In addition, according to tribal officials, when tribes apply to states for EMPG funds, the states can impose conditions that impinge on tribal sovereignty. For example, one state requires tribes to waive their legal immunity and agree to follow state laws, which some tribal officials viewed as contradictory to their sovereignty. As a result, these officials said they choose not to apply for these grants through the states and have never received EMPG funds.

**Table 1: Amount of Funding Awarded to Tribes From Pre-Disaster Grants through Which Tribal Governments May Receive Funds, 2013-2016**

Name of grant	Total funding obligated to all grantees	Total funding obligated to all tribes	Examples of project types funded
Emergency Management Performance Grant (EMPG)	\$1,382,755,610	\$3,265,836	Hiring staff or contractors for emergency management and developing and enhancing plans and protocols
Pre-Disaster Mitigation Program (PDM)	\$172,326,821	\$6,913,520	Updating and creating Tribal Multihazard Mitigation Plans, covering management costs (i.e. salaries), equipment purchase and installation
State Homeland Security Program (SHSP)	\$1,559,990,123	\$30,714,041	Developing and enhancing emergency management organization, structure, and capabilities
Tribal Homeland Security Grant Program (THSGP)	\$40,000,000	\$40,000,000	Designing and conducting exercises to engage community and validate capabilities strengthening a tribe's emergency management program, conducting training

Source: GAO analysis of FEMA grants funding data. | GAO-18-443

FEMA officials acknowledged that tribes face challenges getting federal grant funds to help them enhance their emergency management capacity. According to the officials there are statutory, policy, and budget considerations that limit their ability to make significant changes in the way such grant funds are distributed. However, they told us that they continue to work under their current authorities to assist tribes that seek to develop and maintain their emergency management capacity, primarily through training and technical assistance, as described later in this report.

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## FEMA Has Created Pilot Guidance for Tribes and Offers Training and Technical Assistance on Directly Requesting Disaster Declarations

Since the passage of SRIA in 2013, FEMA has implemented various policies tailored to tribes that wish to make a direct request to the President, through FEMA, for federal disaster assistance. In December 2013, FEMA issued a policy regarding coordination with tribal governments.<sup>16</sup> As part of this policy, FEMA committed to consulting tribal governments before taking proposed actions that would have a substantial direct effect on tribes. In addition, the policy recognized the tribes' rights to self-governance and tribal sovereignty.

Since 2013, according to FEMA officials, the agency has provided multiple opportunities through Federal Register notices and ongoing consultations for input into the development of the guidance that currently governs the tribal request process for major disaster declarations. Specifically, FEMA reported that it is implementing this authority in three phases: (1) use of existing regulations, (2) pilot period, and (3) rulemaking. During phase 1, from 2013-2016, FEMA processed tribal declaration requests using existing state declaration regulations in order to allow tribal governments the choice to use the new authority immediately and to provide time for consultation on drafts of the Tribal Declarations Pilot Guidance.

In January 2016, FEMA published a draft of the Tribal Declarations Pilot Guidance and requested comments on the draft guidance through April 2016.<sup>17</sup> Based on feedback received, FEMA issued a final version of the guidance, with which it will manage tribal declaration requests during the pilot phase, in January 2017.<sup>18</sup> The publication of this guidance in January 2017 officially started phase 2, the pilot phase, of the tribal declarations implementation.

FEMA officials told us that, before beginning the development of regulations on tribal disaster declarations, they intend to operate under the pilot guidance for at least 2 years. They noted that they cannot specify an exact date on which they expect to finalize the guidance because there is uncertainty about what kind of disasters will strike and where.

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<sup>16</sup>The policy statement was developed in response to Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. 65 Fed. Reg. 67249 (Nov. 9, 2000).

<sup>17</sup>See Tribal Declarations Pilot Guidance, 81 Fed. Reg. 943 (Jan. 8, 2016).

<sup>18</sup>See Tribal Declarations Pilot Guidance, 82 Fed. Reg. 3016 (Jan. 10, 2017).

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According to officials, they have identified data they would like to collect to assess the guidance before finalizing it. Among other things, they said they plan to do economic analyses using quantitative data such as the types of disaster assistance requests from tribes (PA, IA, and HMGP) and the amount of funding allocated to tribes. In addition, these officials said they plan to conduct focus groups with tribal officials to learn more about how the disaster declaration policies and guidance have worked for tribal governments that used them. In the meantime, according to these officials, their aim is to be as flexible as possible while maintaining consistency with other relevant disaster regulations, so that they can respond to any unique challenges that arise in implementing this new authority.

In addition to assessing how the pilot is working for tribes, FEMA has developed and implemented training to help tribes understand the disaster declaration process and provided technical assistance to tribes as needed, prior to, during, and after disasters.<sup>19</sup> FEMA has offered training opportunities at the Emergency Management Institute in Emmitsburg, Maryland, and has hosted regional training workshops and consultations throughout the country. According to tribal officials, these training courses have helped increase tribes' emergency management expertise. One of the offerings, Tribal Declarations Pilot Guidance, was a 1-hour briefing offered in multiple locations and provided to dozens of tribes and other government agencies. In addition, FEMA has RTLs in each regional office that are a primary point of contact for tribal governments that have questions or require technical assistance on FEMA programs. Officials from one tribe we visited told us they believe the technical assistance they received from a FEMA RTL was timely and thorough. These officials said the tribe contacted FEMA for assistance following the Tribal Council's decision to declare a state of emergency on the reservation. According to the tribal officials, a fire had started on a Sunday and the FEMA team was on-site at the reservation by Wednesday to conduct a joint preliminary damage assessment with tribal officials. The officials also said they were impressed with FEMA's quick response on the damage assessment results, which they received within a week. The tribe did not ultimately request a major disaster declaration because the damage assessment fell short of the minimum damage amount at that time. However, officials from the tribe said the experience

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<sup>19</sup>We did not assess the quality of the training courses or technical assistance FEMA has provided to the tribes since 2013 as part of this review.

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they gained was helpful for the tribe's emergency management staff and that they are now confident they will be able to conduct an initial damage assessment should a future disaster occur.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Homeland Security and FEMA for review and comment. They provided technical comments, which we incorporated as appropriate.

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We are sending copies of this report to the appropriate congressional committees and the Secretary of Homeland Security. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (404) 679-1875 or [curriec@gao.gov](mailto:curriec@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.



Chris P. Currie  
Director, Homeland Security and Justice

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# Appendix I: Objectives, Scope, and Methodology

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The objectives of this study were to examine (1) the factors that influence selected tribes' decisions about how to seek federal assistance through a major disaster declaration and (2) the actions the Federal Emergency Management Agency (FEMA) is taking to assist tribal efforts to request and manage disaster declarations.

To report on the factors that tribes consider when seeking federal disaster assistance, we reviewed FEMA's pilot guidance for tribal disaster declarations that was published in January 2017 and discussed the program's pilot plans with key agency officials. We also interviewed officials from two national tribal organizations (the National Congress of American Indians and the National Tribal Emergency Management Council) and FEMA to develop a preliminary list of potential factors that may influence a tribe's decision to make a direct request or to join a state's request as a sub-recipient. Using these factors, we developed a survey with both closed and open-ended questions. To minimize non-response error, we pre-tested the survey instrument with officials from two tribes in FEMA Regions VI and X (see figure 1) to ensure the questions were clear and unbiased and that the survey questions were culturally appropriate. We also consulted tribal officials during a FEMA training course and held additional interviews with officials from tribal organizations to ensure that the questions were clear, understandable, and appropriate. An independent reviewer within our agency also reviewed a draft of the survey prior to the pre-tests. We made appropriate revisions to the content and format of the questionnaire based on the pretests and independent review.

We sent our survey to the 36 tribal governments that either (1) received declaration funds through a direct request, <sup>1</sup> (2) received declaration funds as a sub-recipient of a state's request, or (3) made a direct request that was denied between January 2013 and December 2016. The time period we chose coincides with the year SRIA was enacted to the most recent calendar year in which a full year of data on major disaster declarations was available when we began this work. Using e-mail addresses provided by FEMA Regional offices, we emailed the survey in an attached document that respondents could complete electronically or by hand and return via email or mail. We sent an invitation letter to the

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<sup>1</sup>For the purposes of this report we counted the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe as a single tribe. The Minnesota Chippewa Tribe has six component reservations. Only the Bois Forte Band (Nett Lake) was covered by a disaster declaration during the time period covered in our review.

tribes on July 12, 2017, informing them of the purpose of the survey and the date it would be sent. We then sent the survey on July 18, 2017 and began soliciting survey responses from August 7, 2017 until January 12, 2018, by phone and email. We received completed surveys from 23 of the 36 tribes in the target population. We compared selected characteristics of the tribes responding to the survey with the same characteristics of the 36 tribes in the target population, as well as the completion of individual questions, and did not find a nonresponse bias. The final survey questionnaire is in appendix III.

To complement the survey responses, we conducted site visits to 7 tribes selected from among the 23 tribes that responded to our survey. The objectives of these site visits were to obtain added information from the tribal officials regarding the factors influencing their disaster declaration decisions during this period. We also observed recent disaster damage; ongoing recovery projects; and aspects of each tribe's emergency management capability. We selected these various sites so that, as a set, they included a mixture of tribes that had participated in direct declarations; in state declarations as a sub-recipient; participated in declarations that were granted and denied; and were located in different FEMA regions. The selected tribes are located in Arizona, New Mexico, Washington, and Idaho, representing FEMA Regions VI, VIII, IX, and X. During our site visits, we interviewed tribal executives and emergency management officials and toured completed projects. Although the information gathered from our survey and site visits cannot be generalized across the tribes, our observations and the tribal officials' responses underscored the uniqueness of each tribe and each disaster, as well as offering important details regarding the opportunities and challenges for tribes under this new authority.

To report on related FEMA grant funds obligated from 2013 through 2016, we collected data regarding the Homeland Security Grant Program, Tribal Homeland Security Grant Program, Emergency Management Performance Grant, and the Pre Disaster Mitigation grant data from FEMA Grants Program Division officials. We selected these programs because they provide pre-disaster grant funds to states and tribes that are, in part, intended to enhance grantees emergency management capacity. To assess the reliability of these data, we performed electronic data testing for obvious errors in accuracy and completeness, and interviewed agency officials knowledgeable about the collection and processing of these data. We determined these data to be sufficiently reliable for the purposes of reporting FEMA's awards of these grant funds.

To address the second objective, we reviewed federal documentation—such as FEMA’s Tribal Declarations Pilot Guidance, federal regulations and statutes governing the major disaster declaration process to see what actions FEMA has taken specifically related to tribe’s requesting and managing major disaster declarations. We also reviewed disaster-related documentation provided by tribal governments and available on-line, including correspondence between tribes and FEMA, testimony statements, and additional documents that provided details of tribes’ experiences requesting and managing major disaster declarations. In addition, we interviewed officials from the two aforementioned national tribal organizations to discuss any successes or challenges they were familiar with related to the new authority that allows tribes to request a major disaster declaration directly from the President of the United States. During our interviews with tribal organizations and tribal officials, we examined challenges related to implementing the new authority and carrying out the various requirements associated with requesting and managing a major disaster declaration.

We also interviewed FEMA officials about the actions they had taken to help tribes make informed decisions about whether they would prefer to exercise the new authority. In addition, we interviewed FEMA officials about how they assisted tribes that were considering whether to exercise the new authority and how to do so, if desired, as well as what, if any, steps they had taken to address the challenges identified by tribes. For example, we discussed what actions FEMA has taken to assess the pilot program, offer training opportunities, and provide technical assistance to tribes that seek to enhance their emergency management capacity. We also attended a tribal emergency management conference in June 2017, attended a FEMA tribal emergency management training session in person in March 2017, and attended two FEMA-sponsored webinars designed specifically for tribal participants.

We conducted this performance audit from October 2016 through May 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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# Appendix II: Grant Funds Received by Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016

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This appendix presents information on the 36 tribal governments that either requested a disaster declaration or elected to join a state's declaration request during calendar years 2013 through 2016. The information includes an overview of related disaster declarations and pre-disaster grant funding. The Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), leads the federal effort to mitigate, respond to, and recover from disasters, both natural and man-made. Disaster declarations can trigger a variety of federal response and recovery assistance for government and nongovernmental entities, households, and individuals. FEMA's grant programs include:

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## Pre-Disaster Grant Programs

- State Homeland Security Program (SHSP) provides funding to support states' implementation of homeland security strategies to address the identified planning, organization, equipment, training, and exercise needs at the state and local levels to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events.
- Tribal Homeland Security Grant Program (THSGP) provides funding to eligible tribes to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards.
- Emergency Management Performance Grant (EMPG) program provides funding to assist local, tribal, territorial, and state governments in enhancing and sustaining all-hazards emergency management capabilities.
- Pre-Disaster Mitigation (PDM) grant program provides funds to communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to life and property and the future cost of recovering from a disaster event. The goal of the program is to reduce overall risk to the population and structures, while at the same time also reducing reliance on Federal funding from actual disaster declarations.

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## Post-Disaster Grant Programs through a Major Disaster Declaration

- Individual Assistance (IA) provides financial assistance to individuals.
- Public Assistance (PA) provides financial assistance to jurisdictions for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly-owned facilities and the facilities of certain private nonprofit organizations, such as utilities.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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- Hazard Mitigation Grant Program (HMGP) provides additional funds to assist communities in implementing long-term measures to help reduce the potential risk of future damages to facilities.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation**

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Location Montana

FEMA Region 8

Disaster declaration / grant overview

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In 2013, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation were covered by a State of Montana request for a disaster declaration as a result of a flood. The state's declaration request for PA and HMGP grant funding was awarded. In 2016, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana requested a disaster declaration as a result of a severe storm and straight-line winds. The declaration request for IA and HMGP was denied. In addition, the tribes received \$35,000 in 2013, \$36,000 in 2014, \$36,000 in 2015, and \$41,642.83 in 2016 EMPG grant funding to develop and enhance its homeland security and emergency management organization and structure.

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**Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation**

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Location Wisconsin

FEMA Region 5

Disaster declaration / grant overview

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The Bad River Band and the State of Wisconsin requested a disaster declaration in 2016 for severe storms and flooding. The tribe's declaration request for IA was denied, but the State of Wisconsin's disaster declaration request for PA which included the Bad River Band reservation was approved. In addition, the tribe received \$6,747.31 in 2013 and \$14,080.57 in 2014 EMPG to develop and enhance emergency management plans, procedures, and protocols and \$128,931.06 in 2014 PDM grant funding for its tribal local multi-hazard mitigation plan and costs.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Minnesota Chippewa Tribe—Bois Forte Band (Nett Lake)**

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Location Minnesota

FEMA Region 5

Disaster declaration / grant overview

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In 2014, Bois Forte Band (Nett Lake) was covered by a State of Minnesota request for a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded.

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**Cheyenne River Sioux Tribe of the Cheyenne River Reservation**

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Location South Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2013, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota was covered by a State of South Dakota disaster declaration request as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Chippewa Cree Indians of the Rocky Boy's Reservation**

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Location Montana

FEMA Region 8

Disaster declaration / grant overview

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In 2013, the Chippewa Cree Indians of the Rocky Boy's Reservation, Montana was covered by a State of Montana request for a disaster declaration as a result of a flood. The state's declaration request for PA and HMGP grant funding was awarded.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Coeur D'Alene Tribe**

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Location Idaho

FEMA Region 10

**Disaster declaration / grant overview**

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In 2015, the Coeur D'Alene Tribe was covered by a State of Idaho request for a disaster declaration as a result of a severe storm. The state's declaration request for PA and HMGP grant funding was awarded.

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**Confederated Tribes of the Colville Reservation**

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Location Washington

FEMA Region 10

**Disaster declaration / grant overview**

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In 2013, Confederated Tribes of the Colville Reservation requested a disaster declaration as a result of wildfires, flooding, and mudslides. The tribal nation's declaration request for IA and HMGP was denied. In 2014 and 2015, the Confederated Tribes of the Colville Reservation was covered by two State of Washington requests for disaster declarations as a result of wildfires. The declaration requests for PA and HMGP for the two fire disasters were awarded. In addition, the reservation received \$102,058 in 2014 SHSP grant funding to develop and enhance its homeland security and emergency management organization and structure. The reservation also received \$102,058 in 2014 THSGP funding to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards. Additionally, the reservation received \$202,386.83 in 2014 PDM funding for its tribal multi-hazard mitigation plan and management costs.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Crow Creek Sioux Tribe of the Crow Creek Reservation**

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Location South Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2015, Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota was covered by a State of South Dakota disaster declaration request as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Eastern Band of Cherokee Indians**

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Location North Carolina

FEMA Region 4

Disaster declaration / grant overview

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In 2013, Eastern Band of Cherokee Indians requested a disaster declaration as a result of mud and a landslide. The declaration request for PA and HMGP was awarded. Eastern Band of Cherokee Indians was also covered by a 2013 State of North Carolina disaster declaration request as a result of flooding. The declaration requests for PA and HMGP were awarded. Eastern Band of Cherokee Indians also received \$ 35,316.73 in 2013, \$ 38,220.35 in 2014, \$38,542.25 in 2015, and \$20,625 in 2016 EMPG funding to enhance capabilities to recover from and respond to all-hazards events, and establish and enhance citizen awareness of emergency preparedness.

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**Fort Belknap Indian Community of the Fort Belknap Reservation of Montana**

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Location Montana

FEMA Region 8

Disaster declaration / grant overview

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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In 2013 and 2014, the Fort Belknap Indian Community was covered by State of Montana requests for disaster declarations as a result of a flood and a severe storm, respectively. The state's declaration requests for PA and HMGP grant funding for both requests was awarded. In addition, the tribe received \$1,749.70 in 2016 SHSP funding to establish and enhance citizen awareness of emergency preparedness, prevention, and response measures and establish and enhance its cyber security program. The tribe also received \$25,038.35 in 2014, \$31,518 in 2015, and \$25,615.58 in 2016 EMPG funding to develop and enhance its homeland security and emergency management organization and structure.

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**Karuk Tribe**

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Location California

FEMA Region 9

Disaster declaration / grant overview

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In 2013, the Karuk Tribe requested a disaster declaration as a result of a fire. The declaration request for PA and HMGP grant funding was awarded. In addition, the tribal nation received \$41,615 in 2014 SHSP grant funding to develop and enhance its interoperable communications systems and enhance capabilities to respond to all-hazards events. The tribe also received \$1,962 in 2013 EMPG funding to establish and enhance a sustainable homeland security training program. In addition, the Karuk Tribe received \$260,000 in 2013 THSGP funding to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards.

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**Los Coyotes Band of Cahuilla and Cupeno Indians**

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Location California

FEMA Region 9

Disaster declaration / grant overview

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Los Coyotes Band of Cahuilla and Cupeno Indians, California requested a disaster declaration in 2016 due to a severe winter storm and flooding. The tribal nation's declaration request for PA and HMGP grant funding was denied.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Lower Brule Sioux Tribe of the Lower Brule Reservation**

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Location South Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2015, Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota was covered by a State of South Dakota disaster declaration request as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Mashantucket Pequot Indian Tribe**

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Location Connecticut

FEMA Region 1

Disaster declaration / grant overview

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In 2013, Mashantucket Pequot Indian Tribe was a part of a State of Connecticut's request for a disaster declaration as a result of a severe storm. The state's declaration request for PA and HMGP grant funding was awarded. In addition, the tribe received \$46,674.75 in 2014 PDM funding for generators.

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**Moapa Band of Paiute Indians of the Moapa River Indian Reservation**

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Location Nevada

FEMA Region 9

Disaster declaration / grant overview

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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In 2014, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada was covered by a State of Nevada request for a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded.

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**Navajo Nation**

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**Location** Arizona, Utah, New Mexico

**FEMA Region** 6, 8, 9

**Disaster declaration / grant overview**

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In 2013, the Navajo Nation was covered by two State of New Mexico requests for disaster declarations related to a severe storm and flooding. Both requests were for PA and HMGP and they were awarded. The Navajo Nation also requested a disaster declaration in 2013, as a result of a freeze. The nation's declaration request for PA and HMGP was also awarded. In 2016, the Navajo Nation also requested a disaster declaration, as a result of flooding. However, the tribal nation's declaration request for IA and HMGP was denied. The Navajo Nation also received \$1,764,852 in 2015 THSGP funding to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards.

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**Newtok Village**

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**Location** Alaska

**FEMA Region** 10

**Disaster declaration / grant overview**

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Newtok Village requested a disaster declaration in 2016 for flooding, persistent erosion, and permafrost degradation. The tribe's declaration request for IA, PA, and HMGP grant funding was denied.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Oglala Sioux Tribe**

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Location South Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2013, Oglala Sioux Tribe was covered by two State of South Dakota disaster declaration requests as a result of severe storms. Both declaration requests included PA and HMGP and were awarded. In 2015, Oglala Sioux Tribe requested a disaster declaration request as a result of a severe storm. The declaration request for IA and HMGP was awarded.

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**Prairie Island Indian Community in the State of Minnesota**

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Location Minnesota

FEMA Region 5

Disaster declaration / grant overview

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In 2014, the Prairie Island Indian Community in the State of Minnesota was covered by a State of Minnesota request for a disaster declaration as a result of a flood. The state's declaration request for PA and HMGP grant funding was awarded. In addition, the tribe received \$125,000 in 2013 and \$182,000 in 2016 SHSP funding to develop and enhance homeland security and emergency management organization and structure, and enhance capabilities to respond to all-hazards events. The tribe also received \$125,000 in 2013 and \$182,000 in 2014 THSGP funding to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards.

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**Pueblo of Acoma**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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In 2014, Pueblo of Acoma, New Mexico was covered by a State of New Mexico request for a disaster declaration as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Pueblo of Cochiti**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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In 2013, Pueblo of Cochiti, New Mexico was covered by a State of New Mexico request for a disaster declaration as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Pueblo of Isleta**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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In 2013, Pueblo of Isleta, New Mexico was covered by a State of New Mexico request for a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded.

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**Pueblo of Sandia**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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In 2013, Pueblo of Sandia, New Mexico was covered by two State of New Mexico requests for a disaster declaration as a result of a severe storm and a flood. The declaration requests for PA and HMGP were awarded.

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**Pueblo of San Felipe**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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In 2013, Pueblo of San Felipe, New Mexico was covered by a State of New Mexico request for a disaster declaration as a result of a severe storm. The declaration request for PA and HMGP was awarded. The tribe also received \$41,625 in 2015 PDM funding for a local multi-hazard mitigation plan.

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**Kewa Pueblo (formerly known as the Pueblo of Santo Domingo)**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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In 2013, Kewa Pueblo was covered by a State of New Mexico request for a disaster declaration as a result of a severe storm. The declaration request for PA and HMGP was awarded.

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**Red Lake Band of Chippewa Indians**

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Location Minnesota

FEMA Region 5

Disaster declaration / grant overview

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In 2014, Red Lake Band of Chippewa Indians, Minnesota was covered by a State of Minnesota request for a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded.

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**Rosebud Sioux Tribe of the Rosebud Indian Reservation**

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Location South Dakota

FEMA Region 8

Disaster declaration / grant overview

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Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota requested a disaster declaration in 2013 as a result of severe storms, straight-line winds, and flooding. The tribal nation's declaration request for PA and HMGP grant funding was denied. However, the tribe received \$564,838 in 2015 THSGP funding to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards.

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**Sac & Fox Tribe of the Mississippi in Iowa**

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Location Iowa

FEMA Region 7

Disaster declaration / grant overview

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In 2014 Sac & Fox Tribe of the Mississippi in Iowa was a part of a State of Iowa's request for a disaster declaration as a result of a flood. The declaration request for IA and HMGP was awarded.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**San Carlos Apache Tribe of the San Carlos Reservation**

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Location Arizona

FEMA Region 9

Disaster declaration / grant overview

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The San Carlos Apache Tribe of the San Carlos Reservation, Arizona requested a disaster declaration in 2013 for a power outage. The tribe's declaration request for PA and HMGP was denied.

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**Pueblo of Santa Clara**

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Location New Mexico

FEMA Region 6

Disaster declaration / grant overview

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The Pueblo of Santa Clara and the State of New Mexico requested a total of three disaster declarations during 2013 and 2014 for severe storms. The two 2013 Santa Clara Pueblo declaration requests for PA were awarded. In addition, the State of New Mexico's 2014 disaster declaration request for PA and HMGP was awarded, which included the Pueblo of Santa Clara.

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**Sauk-Suiattle Indian Tribe**

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Location Washington

FEMA Region 10

Disaster declaration / grant overview

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In 2014, Sauk-Suiattle Indian Tribe was covered by a State of Washington request for disaster declaration related to mud and a landslide. The request for IA, PA, and HMGP grant funding was awarded.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Soboba Band of Luiseno Indians**

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Location California

FEMA Region 9

Disaster declaration / grant overview

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In 2015, Soboba Band of Luiseno Indians, California requested a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded.

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**Spirit Lake Tribe**

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Location North Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2013, the Spirit Lake Tribe, North Dakota was covered by two State of North Dakota requests for disaster declarations as a result of a flood and a severe storm. The state's declaration requests for PA and HMGP grant funding for both disasters were awarded.

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**Spokane Tribe of the Spokane Reservation**

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Location Washington

FEMA Region 10

Disaster declaration / grant overview

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The Spokane Tribe of the Spokane Reservation requested a disaster declaration in 2016 related to a wildfire. The tribal nation's declaration request for IA and HMGP was denied.

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**Appendix II: Grant Funds Received by Tribes  
that Requested or Joined a State's Major  
Disaster Declaration, 2013-2016**

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**Standing Rock Sioux Tribe of North & South Dakota**

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Location North Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2013, Standing Rock Sioux Tribe of North & South Dakota requested a disaster declaration as a result of a flood. The declaration request for PA and HMGP was awarded. In 2014, Standing Rock Sioux Tribe of North & South Dakota was covered by two disaster declaration requests from the States of South Dakota and North Dakota as a result of flooding. The declaration requests for PA and HMGP were awarded. Standing Rock Sioux Tribe of North & South Dakota also received \$90,787 in 2015 SHSP funding to enhance capabilities to respond to all-hazards events and establish and enhance citizen volunteer initiatives. In addition, Standing Rock Sioux Tribe of North & South Dakota received \$24,938.55 in 2014, \$26,862.93 in 2015, and \$25,794 in 2016 EMPG funding to develop and enhance homeland security and its emergency management organization and structure, and establish and enhance its emergency operations center. Standing Rock Sioux Tribe of North & South Dakota also received \$30,692.20 in 2015 PDM funding for management costs and salaries, its local multi-hazard mitigation plan and tribal multi-hazard mitigation plan.

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**Turtle Mountain Band of Chippewa Indians of North Dakota**

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Location North Dakota

FEMA Region 8

Disaster declaration / grant overview

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In 2013, Turtle Mountain Band of Chippewa Indians of North Dakota was covered by a State of North Dakota disaster declaration request as a result of a severe storm. The declaration request for PA and HMGP was awarded.

# Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016

There were 36 tribes in our population and of that number 23 tribes responded to our survey. Below is the distribution of responses by survey question. Definitions of certain technical terms were included for some questions.

## QUESTION 1

Between January 2013 and December 2016, which one of the following describes the approach your tribal government<sup>1</sup> used to request major disaster assistance? *(Please check ONE box)*

- a. Our tribal government sought disaster assistance solely by requesting a declaration directly (through FEMA) to the President<sup>2</sup>.

*(If you checked this box, only answer Questions 2, 4 and 5.)*

*Of the 23 respondents, 4 respondents checked only 1a.*

- b. Our tribal government requested disaster assistance solely by being a recipient or a sub-recipient of the state's major disaster declaration request.

*(If you checked this box, only answer Questions 3 through 5.)*

*Of the 23 respondents, 13 respondents checked only 1b.*

- c. Our tribal government sought disaster assistance both

- by requesting a major disaster declaration directly (through FEMA) to the President, and
- by requesting disaster assistance as a recipient or sub-recipient of a state's major disaster declaration request.

*(If you checked this box, please answer Questions 2 through 5.)*

*Of the 23 respondents, 6 respondents checked only 1c.*

## QUESTION 2

<sup>1</sup>According to FEMA, a tribe is defined as "any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) (43 U.S.C.A. and 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." The phrase "our tribal government" refers to the tribal leadership that makes executive decisions on behalf of all tribal members (e.g. Chief, Chair, Governor, President, or similar executive official of an Indian tribal government).

<sup>2</sup>"President" in this questionnaire refers to the President of the United States.

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Question 2 is for those tribes that, between 2013 and 2016, requested a major disaster declaration (through FEMA) to the President. (If your tribal government did not request a major disaster declaration directly, then skip to Question 3)

How much of a factor were each of the following to your tribal government's decision(s) to request a major disaster declaration directly (through FEMA) to the President between 2013 and 2016?

(Please check ONE box for each factor).

Of the 10 maximum number of respondents to this question, the responses were:

Potential Factors	Major Factor	Minor Factor	Not a factor	Don't know
a. As a sovereign government our tribe wanted to engage the U.S. government directly by requesting a major disaster declaration from the President (through FEMA).	9	0	1	0
b. There was no state request for a major disaster declaration that our tribal government could join so a direct request was our only means to receive disaster assistance.	4	0	4	2
c. Our tribal government determined that we had the emergency management capacity (e.g. trained personnel and/or resources, or access to organizations that would help with this capacity) to successfully manage the major disaster declaration request process.	3	6	1	0
d. Our tribal government determined FEMA's policies and requirements were clear enough that we could effectively navigate them to request a major disaster declaration directly through FEMA, to the President.	5	3	2	0
e. Our tribal government determined that we had the ability to pay the non-federal cost share. <sup>3</sup>	2	3	5	0

<sup>3</sup>The "non-federal cost share" is the portion of the eligible recovery cost not covered by the Federal Government. This cost is generally 25 percent of the cost for some categories of major disaster recovery

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Of the 10 maximum number of respondents to this question, the responses were:

Potential Factors	Major Factor	Minor Factor	Not a factor	Don't know
f. Our tribe had a Tribal Mitigation Plan in place or was able to prepare one within the required time. <sup>4</sup>	6	1	3	0
g. Our tribal government decided to make a direct request because the Hazard Mitigation Grant Program funding would be sent directly to the tribe.	2	1	7	0
h. Our tribal government determined we could successfully conduct the preliminary damage assessments. <sup>5</sup>	3	3	4	0
i. Our tribal government had concerns about how nonfederal participants would value sacred land and other cultural resources in preliminary damage assessments.	4	4	2	0
j. Our tribal government determined that the availability of timely and accurate assistance we could get from FEMA would help us successfully manage the process for requesting a major disaster declaration.	6	3	1	0
k. Our tribal government determined that the availability of timely and accurate assistance from state, local, and tribal governments or voluntary organizations would help us successfully manage the process for	5	2	3	0

work. The President has the authority to adjust or waive the cost share of some recovery costs. Typically, the federal share will not exceed 90 percent. Applicants are required to certify that they will comply with the cost share requirements.

<sup>4</sup>A Tribal Mitigation Plan describes sustained actions taken by tribal governments to reduce or eliminate long-term risk of future damage to human life and property from hazards. For direct requests, a tribal government must have a FEMA-approved Tribal Mitigation Plan or be a part of a multi-jurisdictional Hazard Mitigation Plan before receiving disaster assistance funds under certain programs. If not already in place, one can be prepared within 30 days (or 120 days following an approval for a 90 day extension).

<sup>5</sup>After a disaster, a tribal government should first conduct an initial damage assessment to determine the impacts of the disaster and if there are needs that cannot be addressed with its own resources or through insurance. Through this assessment, needs or damages that are eligible for FEMA assistance may be identified and tribes can request a Joint Preliminary Damage Assessments with FEMA or the state.

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Of the 10 maximum number of respondents to this question, the responses were:

Potential Factors	Major Factor	Minor Factor	Not a factor	Don't know
requesting a major disaster declaration.				
i. Our tribal government decided to make a direct request because we expected to receive the disaster assistance funds more quickly than we would have if we joined a state's major disaster declaration request.	6	0	3	1
m. Our tribal government determined that receiving 324 management funds from FEMA under a direct request would help us pay for the management costs associated with the recovery effort. <sup>6</sup>	4	2	3	1
n. Our tribal government determined that we had the emergency management capacity (e.g. trained personnel and/or resources) <u>to successfully manage the recovery effort.</u>	5	2	3	0
o. Please add any other factor that was important to your tribal government's decision to request a major disaster declaration directly through FEMA to the President, and check the box to indicate the extent to which the factor influenced your decision.				

2.1 What, if any, additional information would you like to share about your earlier responses about the factors listed above? *(Answering this question is optional. You may also use it to provide any additional information you think we should know.)*

<sup>6</sup>Section 324 of the Stafford Act authorizes Public Assistance (PA) funding for management costs. These management costs are indirect costs, administrative expenses, and other expenses a recipient or sub-recipient incurs in administering and managing PA awards that are not directly chargeable to a specific project. The recipient determines the amount of funds, if any, that a sub-recipient receives for management costs.

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

QUESTION 3

Question 3 is for tribes that have joined the State's request(s) to FEMA for a major disaster declaration between 2013 and 2016.  
*(If your tribe did not joined a state request, then skip to Question 4)*

How much of a factor were each of the following to your tribal government's decision(s) to join the State's request(s) for a major disaster declaration between 2013 and 2016?

*(Please check ONE box for each factor)*

Potential Factors	Of the 19 maximum number of respondents to this question, the responses were:				
	Major Factor	Minor Factor	Not a Factor	Don't know	No answer
a. The tribal government's direct request to the President for a major disaster declaration was denied, so the only option to receive assistance was to join a state request.	1	2	14	2	0
b. Our tribal government anticipated that its request for a major disaster declaration would be denied because our previous request(s) for major disaster declaration(s) were denied.	0	2	14	2	1
c. The amount of damage our tribe sustained did not exceed the minimum amount (at the time of the disaster) therefore our tribe determined that a direct request for a major disaster declaration would likely be denied.	8	2	7	1	1
d. Our tribal government determined that we did not have the emergency management capacity (e.g. trained personnel and/or resources, or access to organizations that would help with this capacity) to successfully manage the major disaster declaration request process.	4	3	11	0	1

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Potential Factors	Of the 19 maximum number of respondents to this question, the responses were:				
	Major Factor	Minor Factor	Not a Factor	Don't know	No answer
e. Our tribal government had concerns about FEMA's policies and requirements being clear enough to seek a direct request for a major disaster declaration (through FEMA) to the President.	4	5	9	0	1
f. Our tribal government had concerns about paying the non-federal cost share. <sup>7</sup>	4	4	10	0	1
g. Our tribe did not have a Tribal Mitigation Plan in place or was able to prepare one within the required time. <sup>8</sup>	2	3	13	0	1
h. Our tribal government was concerned about conducting preliminary damage assessments. <sup>9</sup>	1	5	12	0	1
i. Our tribal government had concerns about whether the availability of timely and accurate assistance we could get from FEMA would be sufficient to help us seek a major disaster declaration.	1	5	12	0	1
j. Our tribal government had concerns about the availability of	0	6	12	0	1

<sup>7</sup>The "non-federal cost share" is the portion of the eligible recovery cost not covered by the Federal Government. This cost is generally 25 percent of the cost for some categories of major disaster recovery work. The President has the authority to adjust or waive the cost share of some recovery costs. Typically, the federal share will not exceed 90 percent. Applicants are required to certify that they will comply with the cost share requirements.

<sup>8</sup>A Tribal Mitigation Plan describes sustained actions taken by tribal governments to reduce or eliminate long-term risk of future damage to human life and property from hazards. For direct requests, a tribal government must have a FEMA-approved Tribal Mitigation Plan or be a part of a multi-jurisdictional Hazard Mitigation Plan before receiving disaster assistance funds under certain programs. If not already in place, one can be prepared within 30 days (or 120 days following an approval for a 90 day extension).

<sup>9</sup>After a disaster, a tribal government should first conduct an initial damage assessment to determine the impacts of the disaster and if there are needs that cannot be addressed with its own resources or through insurance. Through this assessment, needs or damages that are eligible for FEMA assistance may be identified and tribes can request a Joint Preliminary Damage Assessments with FEMA or the state.

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Potential Factors	Of the 19 maximum number of respondents to this question, the responses were:				
	Major Factor	Minor Factor	Not a Factor	Don't know	No answer
timely and accurate assistance from state, local and tribal governments or voluntary organizations would be sufficient to help us seek a major disaster declaration.					
k. Our tribal government did not have enough time to make a direct request so we decided to join the state request.	1	1	16	0	1
l. FEMA officials encouraged our tribal government to join the state's request for a major disaster declaration.	2	3	10	3	1
m. State and/or county officials encouraged our tribal government to join the state's request for a major disaster declaration.	3	5	9	1	1
n. Our tribal government chose to partner with a neighboring jurisdiction (e.g. county or state) to help that jurisdiction because it would not have been eligible for federal disaster assistance without our damages as part of the preliminary damage assessment.	3	2	12	1	1
o. Our tribal government had concerns about managing the recovery effort (e.g. Public Assistance projects) as a direct recipient.	3	4	10	1	1
p. Our tribal government had concerns about the availability of timely and accurate assistance we could get from FEMA to help us successfully manage the recovery effort.	2	5	11	0	1
q. Please add any other factor that was important to your tribal					

**Appendix III: GAO Survey to Tribes that Requested or Joined a State's Major Disaster Declaration, 2013-2016**

Of the 19 maximum number of respondents to this question, the responses were:

Potential Factors	Major Factor	Minor Factor	Not a Factor	Don't know	No answer
government's decision to request a major disaster declaration directly through FEMA to the President, and check the box to indicate the extent to which the factor influenced your decision.					

3.1 What, if any, additional information would you like to share about your earlier responses about the factors listed above? *(Answering this question is optional. You may also use it to provide any additional information you think we should know.)*

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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Chris Currie, (404) 679-1875 or [CurrieC@gao.gov](mailto:CurrieC@gao.gov)

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## Staff Acknowledgements

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