

GAO Highlights

Highlights of [GAO-18-443](#), a report to congressional requesters

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.

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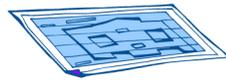
EMERGENCY MANAGEMENT

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



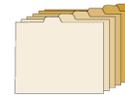
Plans

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.



Funds

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.



Administrative/financial management expertise

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.



General emergency management expertise

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.

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.