



National Indian Health Board
**NATIONAL TRIBAL
COVID-19 RESPONSE**

910 Pennsylvania Avenue, SE | Washington, D.C. 20003 | 202-507-4070 | www.nihb.org

Updated 3/26/2020

Major Disaster Declaration

Background

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 is a mechanism through which the President of the United States can make disaster relief resources available to Tribes and states upon the declaration of a national emergency. The ability to request relief under the Stafford Act was originally only available to states. This changed in 2013, however, when the Act was amended to allow Tribes to also request relief. When an emergency is declared, pursuant to the Stafford Act, the Federal Emergency Management Agency (FEMA) can use its disaster relief funds to aid the affected localities.

Although the Stafford Act is most commonly used for natural disasters, it can be used for public health emergencies. For example, President Bill Clinton used the Stafford Act to respond to a West Nile Virus outbreak in New York and New Jersey. President Donald Trump recently invoked the Stafford Act to respond to the COVID-19 outbreak. While the President has declared a national emergency, states and Tribes can request additional assistance through the declaration of a major disaster.

How does it work?

The President can declare a major disaster when he determines that it is beyond the scope and ability of a state, Tribal, and local government to respond. The Tribe is authorized to make the request by taking these steps¹:

- Confirmation that the Tribal Chief Executive has taken appropriate action under State or Tribal law and directed execution of the State or Tribal emergency plan;
- An estimate of the amount and severity of damage to the public and private sector;
- A description of the State and local or Indian Tribal government efforts and resources utilized to alleviate the disaster;
- Preliminary estimates of the type and amount of Stafford Act assistance needed; and
- Certification by the Tribal Chief Executive that the State and local governments or Indian tribal government will comply with all applicable cost sharing requirements.

¹ See <https://www.fema.gov/disaster-declaration-process>



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What Assistance is Available?

Under a Major Disaster Declaration, Tribes may access the following types of assistance:

Individual Assistance – These are items such as disaster unemployment assistance, disaster SNAP, and disaster case management, which are intended to benefit individual members of the Tribe.

Public Assistance – These are items that are intended to provide for the emergency work and repair of infrastructure. It can include repairs of roads and bridges, building and equipment, and utilities. It can also include debris removal.

Hazard Mitigation Assistance – This is meant to mitigate the disaster and prevent or reduce long term loss of life or property that may result from it.

Because of the decision to invoke the Stafford Act to address COVID-19, the benefits that a Tribe may receive will be identical to what they could expect after a natural disaster such as a hurricane, tornado, or flood event.

More information on how FEMA calculates the amount that a Tribe may be eligible to receive can be found [here](#).

How are Tribes reimbursed?

Tribal governments can only be reimbursed for 75% of their costs. The President can, upon request, increase the reimbursement to 100%.

Questions?

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