



## FEDERAL DISASTER DECLARATIONS

On January 29, 2013, President Barack Obama signed into law the Sandy Recovery Improvement Act of 2013, Pub. L. No. 113-2 (SRIA). In many ways, the passage of SRIA represents the most significant legislative change to the Federal Emergency Management Agency's (FEMA) substantive authorities since the enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, 42 U.S.C. § 5121 (2013) (Stafford Act).

The law authorizes several significant changes to the way FEMA may deliver federal disaster assistance to survivors. Provisions of SRIA authorize FEMA to review policies and implement changes regarding Tribal Declarations and Individual Assistance Declaration Factors.

### **Tribal Declaration Requests**

SRIA amended the Stafford Act to provide Federally-recognized Indian tribal governments the option to make their own request for a Presidential emergency or major disaster declaration independently of a state or to seek assistance, as they do now, under a declaration for a State.

More information is available on the recent Tribal outreach related to declarations by Tribes at <http://www.fema.gov/tribal-consultation>.

*STATUS: FEMA conducted initial tribal consultation and public comment in Spring 2013. Comments and input are being adjudicated, and subsequent draft pilot guidance will also circulate for tribal consultation and public comment. In the meantime, FEMA is processing declaration requests from tribal governments using existing regulations.*

### **Individual Assistance Declaration Factors**

SRIA directs FEMA to provide more objective criteria for evaluating the need for assistance to individuals, to clarify the threshold for eligibility and to speed a declaration of a major disaster or emergency under the Stafford Act. In satisfy these mandates, SRIA requires FEMA to work with state, tribal and local emergency management agencies to review and revise through rulemaking the factors considered when evaluating the need for the Individual Assistance Program following a major disaster or emergency.

*STATUS: The statutory deadline for rulemaking is January 2014.*

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