



## PARTNERSHIP WITH NATIVE AMERICANS

### Frequently Asked Questions: Disaster Preparedness & Recovery on the Reservation

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*Having the facts before disaster strikes will help Native American tribes, communities and families before, during and after a natural or human-caused emergency or other crisis. This fact sheet provides crucial facts about FEMA aid, what they do and don't cover, and how FEMA aid is different for Native versus non-native communities. Both tribes and individuals need to understand the rules and authorities that apply to them and the potential for federal aid. Knowing this in advance can avoid many pitfalls, including the physical, financial and psychological distress of a long and slow recovery period.*

#### **What is FEMA?**

The Federal Emergency Management Agency ([FEMA](#)) is an [agency](#) of the U.S. Department of Homeland Security that provides support to communities, citizens and first responders in the wake of a disaster. FEMA plays a critical role in meeting the needs of affected populations through transportation, communications, logistics management, public safety and security. Unlike groups such as the American Red Cross and Americares, **FEMA is not an individual relief organization – do not assume FEMA will automatically kick in after a public or private loss.** FEMA resources are limited, and giving aid is bound by federal disaster qualification standards.

#### **How does FEMA work?**

Following an emergency, state counties gather data on the damage to individual homes, businesses and infrastructures and the state governor submits a request for FEMA to declare an official disaster. If the President of the U.S. signs off on the disaster, FEMA then responds through public and/or individual assistance – but only if the established criteria are met, and **FEMA criteria is different for tribes.**

- **FEMA public assistance** involves monetary losses such as public utilities, public buildings such as libraries, public parks, and overtime pay for staff involved in emergency response or recovery. Damages must exceed \$1 per person residing in the any or all affected counties in the state before FEMA can provide any public assistance. For example, if 12 million people live in Illinois, the losses for all Illinois counties reporting damages must exceed \$12 million.
- **FEMA individual assistance** applies to homeowners and individuals who suffered losses. The rules for this are less clear – there is no set threshold, yet a certain number of homes must be damaged, and a certain ratio of the population must have insured versus uninsured homes. For example, in Utica, Illinois, a town of 600 people about 800 miles west of Chicago, a tornado came through that destroyed the fire and police stations and all the public utilities, so they qualified for FEMA public assistance. They also qualified for FEMA individual assistance because the number of insured homes in Utica was less than 30% (70% were insured).

#### **If I lose my reservation home, will FEMA cover me?**

FEMA qualification varies case by case, area by area, disaster by disaster, and even more so in tribal communities. The U.S. President must issue declare any emergency and major disaster, but it can be declared for public assistance only, individual assistance only or both. Further, benefits of a disaster declaration do not always fit for reservation communities.

#### **Does FEMA work the same way for tribal communities?**

No. When a tribe is impacted, the damage often doesn't reach the level of threshold set by FEMA. The criteria for FEMA aid were designed for county- and state-wide populations. Reservation communities are federally recognized tribes and sovereign nations, so neither county or state, and there are no adequate FEMA provisions specific to reservations. As such, FEMA assistance generally skews in favor of non-tribal populations.

### **What is the Stafford Act and how does it apply to tribes?**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (aka the [Stafford Act](#)) is a law that gives legal authority to the federal government to aid states during declared major disasters and emergencies. Following the aftermath of Hurricane Sandy in 2012, the Stafford Act was revised to allow Native American tribes to request support directly from FEMA, or through the state governor, recognizing that as sovereign nations they have a government-to-government relationship with the U.S. This is helpful when only the tribal community suffered damage, but bear in mind that if not enough people in the county are affected, FEMA may decline assistance.

In one such case, the Oglala Sioux Tribe on the Pine Ridge Indian Reservation was granted FEMA aid to repair and rebuild homes that were already in bad shape prior to a hurricane, given severe wind storms in previous years. Prior to the hurricane, families were living in homes with tarps for roofs or in overcrowded trailers. FEMA assisted families with roofing repairs, access to electricity, and septic system installations, among other critical repairs.

Unfortunately, this is not a guarantee and there's a disparity when it comes to determining what constitutes a disaster for a tribe on a reservation, as compared to a population anywhere else in the U.S. For example, if the power goes out in a remote reservation community, food can spoil in refrigerators and leave families without access to food, both because of impoverishment and designation as a food desert. If reservations are not granted FEMA support, they can appeal or seek dollars elsewhere such as the Cora Brown Fund administered by FEMA.

### **What is the Cora Brown Fund?**

The [Cora Brown Fund](#) was donated to FEMA to help provide for disaster-related needs that have not, or will not, be met by governmental agencies or any other organization. While not publicly advertised, this fund can support disaster-related home repair and rebuilding assistance, disaster-related unmet needs for health and safety (e.g., evacuation measures, floodplain mitigation, self-employment re-establishment), and other critical well-being needs for children, the elderly, the handicapped. But, it's not a guarantee and public insurance as well as individual homeowner's insurance still play a critical role in reservation disaster recovery.

### **How does homeowner's insurance come into play for disasters?**

Those who own a home on a Native American reservation should have some sort of homeowner's insurance – whether held by the individual or the tribe – and know what the policy covers for flooding, fires and other environmental emergencies. Oftentimes, tribal members live in homes owned by the tribe itself that are uninsured – or insured only until the home is conveyed to an individual – and residents are unaware that they must purchase insurance themselves. If a home is severely damaged or destroyed and federal dollars are unavailable to rebuild, tribal residents are forced to live with relatives in overcrowded spaces or move off the reservation entirely. The ripple effect of this can be catastrophic.

Homeowners also need to insure their personal effects are insured as well; often the tribe or individual homeowner has insurance on the dwelling but not on home contents such as furniture, appliances, hunting or fishing gear, tools, clothes, food, etc. Personal effects are not covered in FEMA aid.

### **What if FEMA does grant individual aid?**

Once FEMA has provided its allotted funds, receipts are required for every federal dollar spent. If the monies are not used as intended, FEMA requires repayment by the person approved for the funding.

Additionally, tribal members need to know that most tribes have a Tribal Employment Rights Ordinance (TERO). This ordinance dictates that all employers who want to provide rebuilding services on tribal lands must give preference to qualified Indians in all aspects of employment, contracting and other business activities, and often requires that the builder pay the tribe a percentage of their contract revenue. Each tribal government establishes its own rate or "tax" for TERO contractors. This can drive up rebuilding costs and thwart recovery efforts if builders are unavailable within the reservation community or outside contractors cannot afford the added cost of the TERO fee. This can be especially problematic in the event emergency repairs are needed on short notice.

### **Where can I learn more about disaster preparedness and recovery for Native tribes and families?**

[The Native Family Disaster Preparedness Handbook](#) goes much further in guiding reservation-based families and tribes to prepare for disasters. Written by Vincent B. Davis and Sean M. Scott et al, the

handbook provides relevant information about risks, options and practical steps Native American tribes and families can take to save lives and protect property before and during disasters. For information on disaster recovery and how to prepare for recovery ahead of time, [The Red Guide to Recovery – Resource Handbook for Disaster Survivors \(Native American & Alaska Native Edition\)](#) provides in-depth details and walks you step-by-step through the recovery process. Both books provide crucial knowledge that can be used to strengthen tribal family and community resiliency. The authors have decades of experience in emergency management and disaster recovery, including working with tribes and tribal citizens, and these handbooks are both culturally and geographically relevant to reservation communities.