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A Brief Overview of FEMA’s Public Assistance Program

The Federal Emergency Management Agency’s (FEMA) Public Assistance (PA) program provides financial assistance to states, tribes, and territories when authorized as part of a presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, P.L. 93-288, as amended). PA’s broad scope includes assistance for urgent response undertaken immediately before or after a hazard strikes, as well as long-term recovery assistance completed years later. PA was authorized in every U.S. state, territory, and the District of Columbia over the past decade.

After PA is authorized, a state, tribe, or territory becomes the PA primary grant Recipient. State, tribal, territorial, and local governments (SLTTs), as well as eligible nonprofit entities, may then apply for funding as “Applicants.” Applicants must submit a request for grant funds to the PA primary grant Recipient, which evaluates eligibility for PA with FEMA. The Stafford Act authorizes FEMA to reimburse not less than 75% of the eligible costs of specific types of disaster response and recovery work undertaken by eligible Applicants. FEMA may recommend that the President increase the federal cost share, where warranted.

PA-Eligible Work

PA includes both short-term “Emergency Work” undertaken to respond to a disaster or an emergency, and long-term “Permanent Work” undertaken to recover from a major disaster. Applicants must complete Emergency Work within six months and Permanent Work within eighteen months of a declaration, though extensions may be granted.

Emergency Work may be authorized under an emergency or major disaster declaration. It includes efforts undertaken

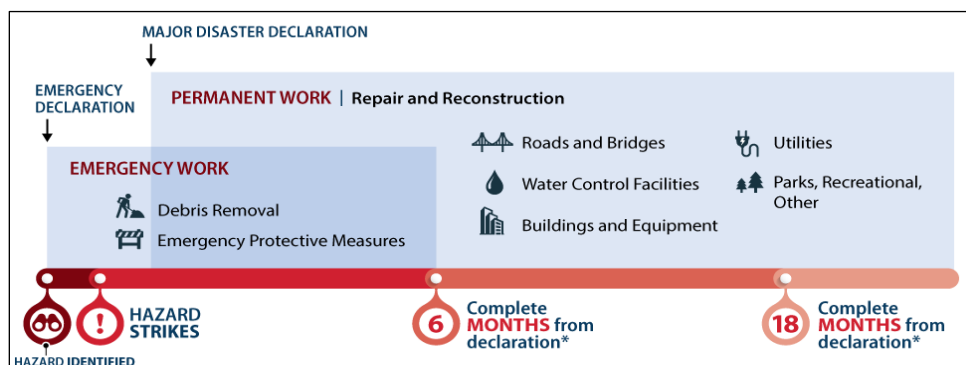
to save lives; protect property, public health, and safety; and reduce or avert the threat of a catastrophe.

- **Debris Removal (Category A)**—Applicants may receive direct assistance and reimbursement for the costs of removing debris and wreckage from public and private property when FEMA determines such work is in the public interest.
- **Emergency Protective Measures (Category B)**—Applicants may receive direct assistance and reimbursement for work undertaken to save lives and protect property (e.g., search and rescue, emergency transportation, and distribution of food and first aid).

Permanent Work may only be authorized under a major disaster declaration. It includes efforts to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities. Applicants may receive reimbursement for eligible work undertaken to return the following types of facilities to their pre-disaster use:

- **Roads and Bridges (Category C)**—except federal aid roads;
- **Water Control Facilities (Category D)**—including dams and levees;
- **Buildings and Equipment (Category E)**—including eligible building contents;
- **Utilities (Category F)**—including gas, power, water, communication, and sewage facilities; and
- **Parks, Recreational, Other (Category G)**—including railways, beaches, piers, ports, and harbors.

Figure 1. General Timing of Public Assistance Programs



Source: Developed by CRS based on 44 C.F.R. §§206.40 and 206.204(c) and (d); and FEMA, “How a Disaster Gets Declared,” <https://www.fema.gov/disasters/how-declared>.

Notes: * These timelines reflect 44 C.F.R. §206.204(c), though extensions may be granted upon request per 44 C.F.R. §206.204(c) and (d).

Requesting and Authorizing PA

PA is intended to supplement the SLTT resources when an incident exceeds their ability to respond and recover. A governor or tribal chief executive may determine their resources are insufficient and request federal aid for specific jurisdictions. PA is only available after the President declares an emergency or major disaster or FEMA authorizes a Fire Management Assistant Grant (FMAG) under the Stafford Act. For emergencies and major disasters, FEMA evaluates the request and then may recommend that the President authorize PA, according to criteria summarized below (see **Figure 2**).

Emergency Declarations. A governor of a state or territory or tribal chief executive may request an emergency declaration to authorize PA emergency work. Per 44 C.F.R. §206.35, to evaluate the request, FEMA considers if the severity and magnitude of the incident exceeds the capacity of state and local governments to respond, and thus requires federal supplemental assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a disaster. Governors and tribal chief executives must also describe the SLTT's actions and resources available to respond to the emergency, and describe federal assistance available and required.

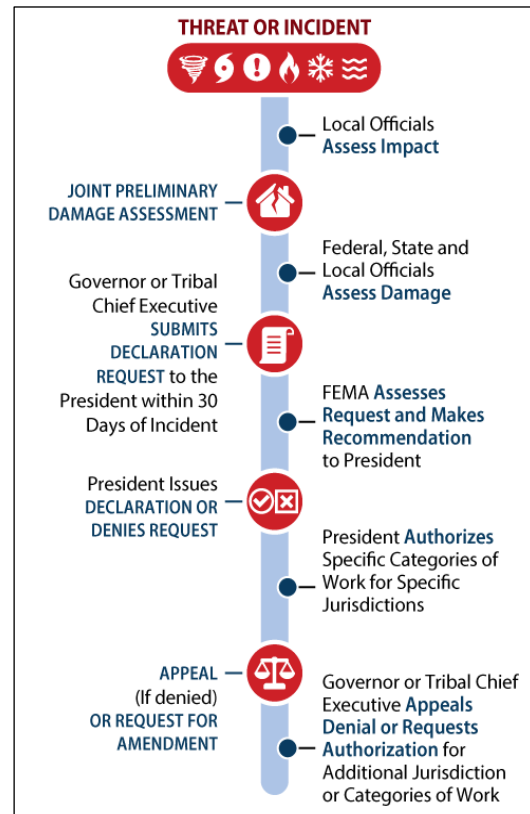
Major Disaster Declarations. FEMA considers different factors to evaluate a request for a major disaster declaration and recommend a course of action to the President, per 44 C.F.R. §206.48(a). While no single factor is determinative, generally FEMA authorizes PA only if the estimated cost of assistance exceeds certain thresholds. The factors are:

1. **Estimated Cost of the Assistance:** FEMA assesses the estimated cost of PA, generally using a Preliminary Damage Assessment (PDA). In collaboration with federal, state, territorial, tribal, and local representatives, FEMA determines whether estimated costs of PA-eligible work across the jurisdiction exceed \$1 million total across a state or territory or \$250,000 across a tribe. Additionally, for states and territories, costs must meet or exceed annually adjusted per-capita thresholds across the county and the state or territory in need. In FY2021, the per-capita threshold across a state or territory requesting PA is \$1.55, and across a county is \$3.89. In December 2020, FEMA proposed rulemaking to increase the Cost of Assistance thresholds, following a review of the factors pursuant to the Disaster Recovery Reform Act of 2018 (Division D of P.L. 115-254).
2. **Localized Impacts:** FEMA may authorize PA in cases of severe, concentrated damages, even when the statewide per capita threshold is not met.
3. **Insurance Coverage in Force:** FEMA reduces the estimated cost of PA based on the actual or required insurance coverage for PA-eligible work.
4. **Hazard Mitigation:** FEMA considers how mitigation measures may have reduced the cumulative value of damages. To encourage community resilience efforts, FEMA may authorize PA even when estimated damages do not meet the per capita thresholds because of mitigation measures.

5. **Recent Multiple Disasters:** FEMA considers impacts and expenses of recent disasters within the disaster-affected jurisdiction to better assess the need for assistance. Incidents that received presidential or gubernatorial disaster declarations are both considered.
6. **Programs of Other Federal Assistance:** FEMA considers whether the disaster-related needs may be more appropriately met through other federal assistance.

When assessing tribal government requests, FEMA also evaluates factors including economic impacts, demographics, and unique conditions that affect tribal governments.

Figure 2. Stafford Act Declaration Request Process



Source: Developed by CRS based on 44 C.F.R. §§206.31-206.48.

Notes: Appeals must be submitted within 30 days of the date of FEMA's denial notice, per 44 C.F.R. §206.46(a) and (b). Requests for assistance for additional jurisdictions or categories of work must be submitted within 30 days of the end date of the incident or the date of the declaration, whichever is later, per 44 C.F.R. §206.40(d).

CRS and FEMA Resources

CRS Infographic IG10021, *How FEMA Public Assistance Works*, by Erica A. Lee.

FEMA, *Public Assistance Program and Policy Guide* (PAPPG), FP 104-009-2, Effective June 1, 2020.

FEMA, *Tribal Declarations Pilot Guidance*, January 2017.

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