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Tribal Disaster Risk and Selected Federal Resources

Overview

Many federally recognized Tribes (hereinafter *Tribes*) are vulnerable to natural hazards and may face particular risks from disasters of increasing severity, frequency, and cost. Congress has authorized specific programs, and appropriated funding, to assist Tribes with disaster mitigation, response, recovery, and relocation. This In Focus describes selected federal programs and recurring challenges for addressing tribal disaster risk.

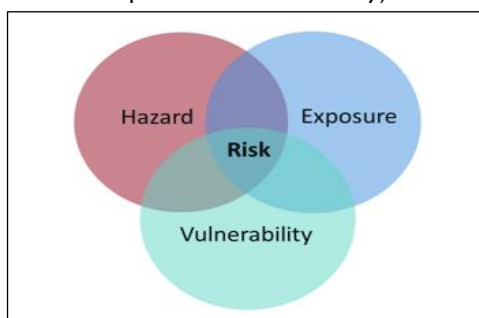
Natural Hazards and Disaster Risk

The following definitions provide context for this product's discussion of tribal disaster risk:

- *Natural hazards* are hazards caused by events including, but not limited to, severe storms, tropical cyclones, drought, wildfires, extreme temperatures, floods, erosion, volcanic eruptions, tsunamis, and earthquakes.
- *Disaster risk* is often expressed as a function of the frequency, duration, and intensity of hazards (e.g., extreme rainfall) along with individual or community exposure (e.g., development along coastal areas) and vulnerability (e.g., low socioeconomic status or inadequate building standards). See **Figure 1** for the disaster risk components.

Figure 1. Disaster Risk

(disaster risk as defined through the combination of hazard, exposure, and vulnerability)



Source: Congressional Research Service adapted from the World Bank.

Selected Federal Agencies That Address Tribal Disaster Risk

As of 2025, the United States has a government-to-government relationship with 574 Tribes. Tribes are eligible to receive funding and services from the federal government due to the *federal trust responsibility*, which is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Tribes (*Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942)). Many Tribes

are at risk from natural hazards because they are located in places that are exposed to natural hazards but face challenges accessing resources that would reduce their vulnerability. As a result, disasters may disproportionately affect them compared with less exposed and less vulnerable communities. The following section highlights selected federal programs that may assist Tribes in addressing this risk.

Department of the Interior’s Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) plays a leading role in carrying out federal trust, treaty, and other responsibilities to Tribes. In recent years, Congress has provided BIA with natural hazard-related funding for Tribes in annual and supplemental appropriations acts. This funding has supported BIA programs, including the following:

- BIA’s Emergency Management Program coordinates with interagency partners and Tribes on tribal disaster preparedness, planning, response and recovery, and continuity of operations. It also provides technical assistance to Tribes, such as training.
- BIA’s Tribal Community Resilience Program provides technical and financial assistance to help build tribal community resilience. This includes addressing current and future threats to human health and safety.

Department of Homeland Security’s Federal Emergency Management Agency

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended) authorizes the Federal Emergency Management Agency (FEMA) to deliver assistance following a presidential declaration of emergency or major disaster, including

- Public Assistance, through which FEMA provides grants and direct assistance to state, tribal, territorial, and local governments and certain private nonprofits for urgent emergency response and long-term recovery and rebuilding;
- Individual Assistance, through which FEMA provides financial and direct assistance to affected tribal community members, including Housing Assistance and Other Needs Assistance, among other things; and
- Hazard Mitigation Assistance, through which FEMA administers four programs to reduce the impact of future natural hazards: (1) Hazard Mitigation Grant Program (HMGP), (2) Flood Mitigation Assistance Grant Program (FMA), and (3) Safeguarding Tomorrow Revolving Loan Fund Program (STRLF). On April 4,

2025, FEMA ended a fourth program, Building Resilient Infrastructure and Communities (BRIC). FEMA announced it will cancel all of the BRIC projects selected but not obligated for FY2020-FY2023.

Tribes can apply for funding from some of these programs as applicants or as sub-applicants through states. Other Indigenous entities, such as state-recognized tribes, also may be eligible for some of these programs as applicants or sub-applicants. See also CRS Report WMR10001, *CRS Guide to Federal Emergency Management*.

Policy Changes Promoting Tribal Access to FEMA Assistance

In the last few decades, Congress has acted to improve how Tribes, tribal governments (the recognized governing bodies of Tribes), and tribal communities may receive federal disaster assistance, including by authorizing the President to issue Stafford Act declarations for Tribes.

Stafford Act Tribal Declarations

The National Congress of American Indians, other tribal leaders, and some Members of Congress raised concerns in 2012 regarding how Tribes were able to receive assistance under the Stafford Act. At the time, a governor had to request, receive, and administer assistance for Tribes within the state/territory's jurisdiction, as the Stafford Act defined—and effectively treated—tribal governments as “local governments,” without acknowledgment of tribal sovereignty. In 2013, the Sandy Recovery Improvement Act (SRIA; Division B of P.L. 113-2) allowed Tribes to request and receive their own Stafford Act declarations, and FEMA assistance, directly. Thus, current law allows Tribes to request and receive independent declarations (42 U.S.C. §5170(b); 42 U.S.C. §5191(c)), or a Tribe may request and receive assistance through a state/territorial government (42 U.S.C. §5170(a); 42 U.S.C. §5191(a)).

FEMA Implementation of Authorities

Following the enactment of SRIA, FEMA solicited input on the implementation of tribal declarations from tribal governments through government-to-government consultations. In 2017, FEMA released guidance for implementing tribal declarations during a pilot period; in 2024, FEMA updated this guidance, which currently remains effective. FEMA's guidance for tribal declarations modifies its standard procedures, including by (1) using lower cost and damage thresholds when evaluating the need for Public Assistance for Tribes (which was further lowered in the 2024 update); (2) using different factors when evaluating a tribal chief executive's request for assistance, including by incorporating factors relevant to Tribes (e.g., remote locations); and (3) extending deadlines for Tribes. In 2022, FEMA released its inaugural National Tribal Strategy (and then a progress report in 2023) after tribal outreach. FEMA is revising the Tribal Strategy.

According to SRIA, the President is to issue a rulemaking detailing the factors used to consider a Tribe's request for a Stafford Act declaration. The President also is to determine criteria to evaluate requests for the federal government to bear a larger share of the costs of certain forms of disaster

assistance provided to Tribes. As of April 2025, FEMA has not initiated these rulemakings.

Key Policy Issues and Options

Tribal Sovereignty. Congress may consider options for addressing tribal disaster risk, such as whether such efforts should be addressed by federal agencies and/or Tribes themselves. The Indian Self Determination and Education Assistance Act (ISDEAA; P.L. 93-638) outlined federal policy on tribal *self-determination*, including the “effective and meaningful participation by the Indian people in the planning, conduct, and administration of” federal programs and services. ISDEAA enables *tribal entities* (including Tribes, tribal organizations, and tribal consortia) to manage certain federal programs (including BIA programs) with federal funds. Thus, one consideration for Congress may be whether to encourage BIA to distribute funding directly to tribal entities for their efforts to address disaster risk.

Equitable Access to Federal Assistance. Tribes have different needs and risk profiles; many have reported barriers to access. Options for Congress could include further amending authorities to ensure Tribal access to federal resources for disaster preparedness, recovery, and mitigation, including further simplifying grant requirements. A potential concern could be that giving BIA, FEMA, and Tribes additional funding or funding flexibility could limit congressional oversight opportunities. Congress also may consider whether other Indigenous entities, such as Alaska Native Corporations, could be eligible for disaster funding (e.g., FEMA's Public Assistance program).

Funding and Capacity. Many Tribes—especially small or remote Tribes with limited financial resources, personnel, and experience—may have trouble navigating federal disaster resources. Additionally, Tribes have reported that nonfederal cost-share requirements in some federal programs, such as FEMA Public Assistance and Individual Assistance for Other Needs, may prevent them from pursuing federal disaster relief. Congress could consider several options, including maintaining the current level of funding, decreasing the nonfederal cost share, or increasing financial support or technical assistance for vulnerable Tribes. Whether existing federal capacity and resources are sufficient and flexible enough to address disaster risk, especially for time-sensitive situations, and whether current appropriations meet tribal needs are other issues.

As part of its oversight role, Congress also may examine whether Tribes are receiving appropriated federal disaster funding. On January 27, 2025, the Trump Administration ordered a freeze of federal grants and loans. Although the freeze was later rescinded, some Tribes have reported ongoing issues accessing previously awarded federal funding while disaster assistance programs undergo additional review ordered by the Administration. The status of projects funded through FEMA recovery, preparedness, and mitigation programs is unclear.

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