

May 1, 2020

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 an emergency or major disaster declaration by the President. 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.

If authorized, a state, tribe, or territory becomes the PA primary grant Recipient. State, tribal, territorial, and local governments, as well as eligible nonprofit entities, may then apply for funding. Applicants must submit a request for grant funds to the PA primary grant Recipient, which evaluates the potential eligibility with FEMA. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, P.L. 93-288, as amended) 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 an increase of the federal cost share in extraordinary cases.

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. Emergency Work must be completed within six months of a declaration, though extensions may be granted. Permanent Work generally must be completed within 18 months of a declaration. FEMA may grant extensions to all PA project deadlines.

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

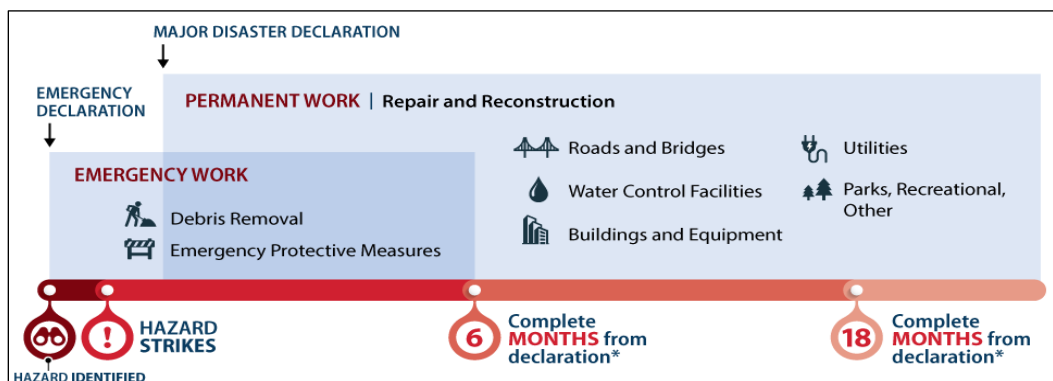
to save lives; protect property, public health, and safety; and reduce or avert the threat of a catastrophe.

- **Debris Removal (Category A)**—Eligible entities 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)**—Eligible entities 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. Eligible entities 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. §206.204(c) and (d); and FEMA, *Public Assistance Policy and Program Guide (PAPPG)*, FP 104-009-2, April 2018, pp. x, 141-142.

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 only available after the President declares an emergency or major disaster pursuant to the Stafford Act. PA is intended to supplement the resources of state, territorial, tribal, and local governments when an incident exceeds their ability to respond and recover. A governor of an affected state or territory or chief executive of an affected Indian tribal government may determine their resources are insufficient and request federal aid for specific jurisdictions. FEMA evaluates the request and provides a report to the President that may recommend authorization of PA Emergency and/or Permanent Work.

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:

1. Whether the incident is of such severity and magnitude that an effective response exceeds the capacity of state and local governments; and
2. Whether the incident requires federal supplemental emergency 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 state's actions and resources available to respond to the emergency, describe other federal assistance available, and identify the type of federal assistance required.

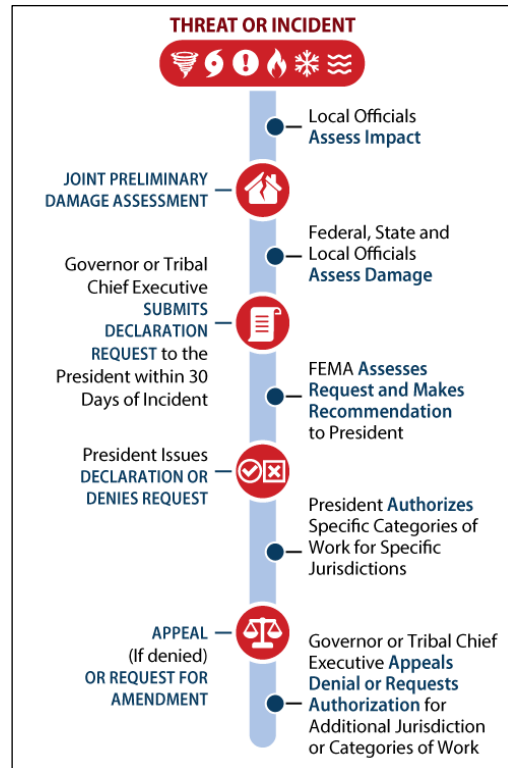
Major Disaster Declarations. FEMA considers six factors to evaluate a request for a major disaster declaration and recommend a course of action to the President, per 44 C.F.R. §206.48(a). While no single factor is determinative, generally FEMA authorizes PA only if the estimated cost of assistance exceeds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

3. **Estimated Cost of the Assistance:** FEMA assesses the estimated cost of public assistance, 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 and an annually adjusted per-capita threshold across the jurisdiction. For FY2020, the threshold is \$1.53 per capita.
4. **Localized Impacts:** FEMA assesses the local impacts of a disaster to determine if the estimated cost of damages exceed a countywide per capita threshold. For FY2020, the threshold is \$3.84 per capita in damages at the county, local, or tribal government level. This measure often determines whether FEMA recommends PA authorization for specific jurisdictions. FEMA may authorize PA in cases of severe, concentrated damages, even when the statewide per capita threshold is not met.
5. **Insurance Coverage in Force:** FEMA reduces the estimated cost of PA based on the actual or required insurance coverage for PA-eligible work.

6. **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.
7. **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.
8. **Programs of Other Federal Assistance:** FEMA considers whether the disaster-related needs may be more appropriately met through other federal assistance.

Section 1239 of the Disaster Recovery Reform Act of 2018 (Division D of P.L. 115-254) requires FEMA to review and update these factors. This review is in progress.

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 letter denying the request, 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

FEMA, *Public Assistance Program and Policy Guide* (PAPPG), FP 104-009-2, April 2018.

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