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## A Brief Overview of FEMA's Individual Assistance Program

Following an incident, the Federal Emergency Management Agency (FEMA) may implement the Individual Assistance (IA) program to assist disaster survivors when the President authorizes such assistance pursuant to a declaration of emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended; 42 U.S.C. §§5121 et seq.).

### IA Programs

FEMA may provide the following forms of IA:

The **Crisis Counseling Assistance and Training Program** (CCP; 42 U.S.C. §5183; 42 U.S.C. §5192(a)(6)) assists individuals through community-based outreach and the provision of services (e.g., crisis counseling, psycho-education, coping skills development) following an emergency or major disaster. FEMA provides grant funding to enable state, local, territory, and tribal governments (SLTTs) to provide CCP services or contract with local mental health service providers to offer such services.

**Disaster Case Management** (DCM; 42 U.S.C. §5189d) partners case managers with disaster survivors to develop and implement disaster recovery plans that address the survivor's unmet needs following a major disaster. FEMA provides direct assistance or grant funding to SLTTs or qualified private organizations to provide DCM.

Through **Disaster Legal Services** (DLS; 42 U.S.C. §5182), attorneys provide free legal advice, counseling, and representation to low-income individuals to help them secure benefits or make claims arising from a major disaster. FEMA and the American Bar Association's Young Lawyers Division have an agreement to provide DLS.

**Disaster Unemployment Assistance** (DUA; 42 U.S.C. §5177) provides temporary unemployment benefits and re-employment assistance to individuals who were employed or self-employed and were rendered jobless or whose employment was interrupted as a direct result of a major disaster, and are ineligible for regular unemployment compensation. DUA is funded by FEMA, administered by the affected state/territory's unemployment compensation agency, and overseen by the U.S. Department of Labor.

Through the **Individuals and Households Program** (IHP; 42 U.S.C. §5174; 42 U.S.C. §5192(a)(6)), FEMA provides financial and/or direct assistance for housing, and FEMA (or the state/territory/tribe with a grant from FEMA) provides financial assistance for other needs—referred to as Other Needs Assistance (ONA), to eligible disaster survivors who have uninsured or under-insured necessary expenses and serious needs resulting from an emergency or

major disaster, which cannot be met through other means or forms of assistance.

The federal government provides 100% of the funding for CCP, DUA, DLS, DCM, and IHP-Housing Assistance. However, IHP-ONA is subject to a statutorily set 75% federal and 25% nonfederal cost share, borne by the state/territory/tribe.

For more information on FEMA's IA program, see CRS Report R46014, *FEMA Individual Assistance Programs: An Overview*.

### Requesting and Authorizing IA

There is no threshold or trigger that automatically authorizes IA. Federal assistance is intended to supplement—not supplant—the local, state, territory, or tribal government's response and recovery efforts. Thus, the governor of an affected state or territory or the chief executive of an affected tribal government must request that the President declare an emergency or major disaster authorizing IA. Using information submitted by the governor or chief executive in their major disaster declaration request, FEMA evaluates specific factors to determine whether there is a need for supplemental federal assistance to individuals (i.e., IA). FEMA then provides a recommendation to the President, who has sole discretion to authorize a declaration that provides IA (the declaration approval may limit the types of IA that are authorized).

### IA Factors

There are two sets of IA factors FEMA may consider: one applies to governors' requests (see 44 C.F.R. §206.48(b)), and one applies to chief executives' requests (see FEMA's *Tribal Declarations Pilot Guidance*, January 2017).

### Factors for Evaluating Governors' Requests

FEMA's factors for evaluating governors' requests are:

**State Fiscal Capacity and Resource Availability:** FEMA considers the availability of government and private-sector resources, and the circumstances that contributed to the state/territory having insufficient resources, potentially necessitating supplemental federal assistance. FEMA evaluates:

- (1) **Fiscal Capacity** (a principal factor for considering the need for the IHP), which indicates the state/territory's ability manage disaster response and recovery. FEMA considers the state/territory's ability to raise revenue for disaster response and recovery based on either total taxable resources (TTR) or gross domestic product (GDP), as well as per capita personal

income by locality and other factors affecting the state/territory's ability to collect funds; and

(2) **Resource Availability**, which indicates whether the disaster-caused needs can be met using non-Stafford Act sources. FEMA also considers the cumulative effect of recent disasters in the previous 24 months.

**Uninsured Home and Personal Property Losses:** FEMA considers the results of the FEMA-State Preliminary Damage Assessment (PDA) process to examine the extent of the damage and estimated cost of IHP assistance (a principal IHP factor). An affected state/territory may provide data for consideration, including:

- (1) the damage-causing peril;
- (2) the percentage of affected applicants with insurance for such peril;
- (3) the concentration of damages;
- (4) the number of homes damaged and degree of damage;
- (5) the estimated cost of assistance;
- (6) the estimated homeownership rate for the affected homes; and
- (7) other relevant PDA data that may demonstrate a need for supplemental assistance.

**Disaster Impacted Population Profile:** FEMA considers the affected community's demographics as compared with national averages (based on U.S. Census Bureau and other federal data), to evaluate whether there is an increased need for supplemental federal assistance.

**Impact to Community Infrastructure:** FEMA considers the disaster-caused disruption, damage, or destruction to community infrastructure components, which may make it difficult for disaster survivors to reside in the community and may hinder community recovery—specifically, disruption, damage, or destruction for more than 72 hours to any/all of the following:

- (1) “Life-Saving and Life-Sustaining Services” that provide an “essential community function that ... will affect public health and safety” (e.g., police, medical facilities);
- (2) “Essential Community Services” that improve quality of life (e.g., social services); and
- (3) “Transportation Infrastructure and Utilities” that, for example, render housing uninhabitable or inaccessible.

**Casualties:** FEMA considers the number of individuals who are missing, injured, or deceased as a result of a disaster, which indicates community trauma.

**Disaster Related Unemployment:** FEMA considers the number of individuals who may have lost work or become unemployed as a result of the disaster and who do not qualify for standard unemployment insurance. FEMA also considers impacts to major employers in the affected jurisdiction, which could indicate the potential for a prolonged recovery process.

### Factors for Evaluating Chief Executives' Requests

FEMA's factors for evaluating chief executives' requests are:

**Uninsured Home and Personal Property Losses:** FEMA evaluates the damage to the primary residences of enrolled tribal members and, if requested and approved, non-enrolled members of the tribal community, by categorizing homes based on damage and assessing the magnitude of the disaster and concentration of damages.

**Availability of Housing Resources:** FEMA considers the availability of accessible temporary housing resources.

**Casualties:** FEMA considers disaster-caused “deaths or injuries [including] of cultural, religious, and government leaders.”

**Impact to Community Infrastructure:** FEMA considers the disaster's impacts that may adversely affect the “population's ability to safely and securely reside within the community,” including the large-scale disruption of community functions and services; impacts to cultural and spiritual facilities; and emergency needs.

**Disaster-Impacted Population Profile:** FEMA considers the affected community's demographics, including populations that may have a greater need for recovery support.

**Voluntary Agency and Other Assistance:** FEMA considers the extent to which disaster survivors' needs can be met by voluntary agencies, and the local and state governments.

**Tribal Government Resources:** FEMA considers the tribal government's efforts that have or will be made and the resources that have or will be committed.

### The Unique Conditions That May Affect Tribal Governments

FEMA considers the tribe's unique needs and the conditions that are unique to the tribal community (e.g., needs associated with remote locations or the impact on the tribal government's economy).

With regard to both the IA factors FEMA uses to evaluate governors' requests and chief executives' requests, no single factor is determinative; FEMA considers all relevant information submitted by the governor or chief executive as part of a declaration request, and the President has the discretion to authorize IA.

For additional information on the IA factors, see CRS Report R47015, *FEMA's Individuals and Households*

*Program (IHP)—Implementation and Considerations for Congress.*

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