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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 and direct federal assistance (e.g., federal supplies, personnel) 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 activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later. Every U.S. state, territory, and the District of Columbia received PA over the past decade.

A state, tribe, or territory with an applicable Stafford Act declaration serves as the PA primary grant Recipient. State, local, tribal, and territorial governments (SLTTs), as well as eligible nonprofit entities, may then apply for funding as "Applicants." The Stafford Act authorizes the President (as delegated to 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 assistance for 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 are expected to complete Emergency Work within 6 months and Permanent Work within 18 months of a declaration, though extensions may be granted.

PA for Emergency Work may be available through an emergency or major disaster declaration. It includes efforts

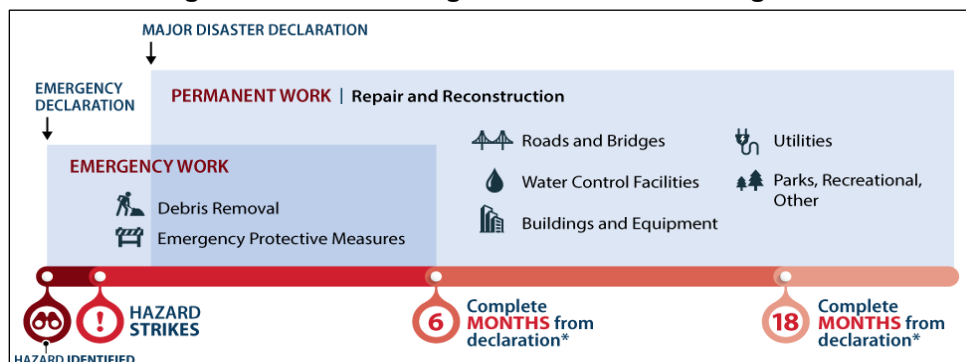
undertaken to save lives; protect property, public health, and safety; and reduce or avert the threat of a catastrophe.

- **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).

PA for Permanent Work is only available through 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



Sources: Developed by CRS based on 44 C.F.R. §§206.40 and 206.204(c) and (d); and FEMA, "How a Disaster Gets 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). See also CRS Infographic IG10021, *How FEMA Public Assistance Works*, by Erica A. Lee, *How FEMA Public Assistance Works*, by Erica A. Lee.

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 response, available resources, and the federal assistance 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). The President has the sole authority to issue a declaration, and exercises discretion when authorizing PA. While no single factor is determinative, generally FEMA recommends the provision of PA only if the estimated cost of assistance exceeds certain thresholds. The factors for evaluating a request for PA are

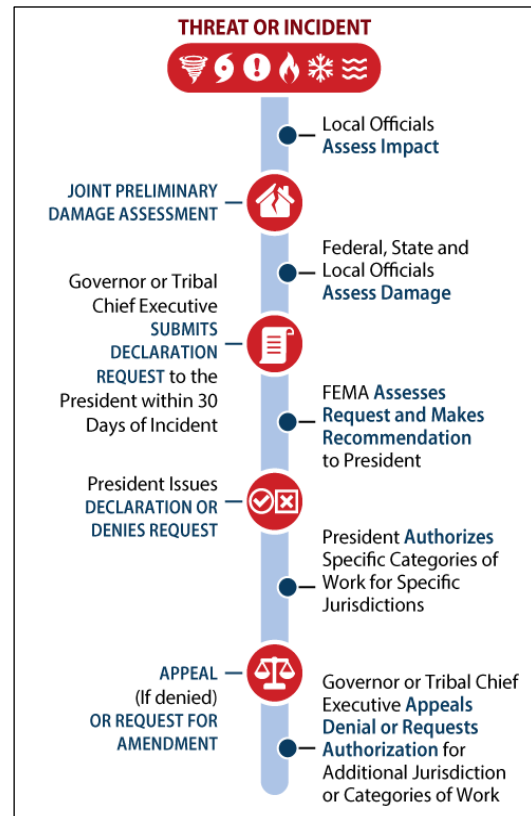
1. **Estimated Cost of the Assistance:** FEMA assesses the estimated cost of PA, generally using a Preliminary Damage Assessment (PDA), when considering whether to recommend that PA be authorized. In collaboration with federal and SLTT representatives, FEMA determines whether estimated costs of PA-eligible work across the jurisdiction exceed \$1 million total across a state or territory or \$100,000 across a tribe. Additionally, for states and territories, FEMA considers whether costs exceed annually adjusted per capita thresholds across the county and the state or territory in need. In FY2025, the per capita threshold across a state or territory requesting PA is \$1.89, and across a county is \$4.72. The Government Accountability Office, FEMA, and officials with the Trump Administration have proposed increases to the Cost of Assistance thresholds, though no changes have been finalized as of the date of publication.
2. **Localized Impacts:** FEMA may determine PA is warranted in cases of severe, concentrated damages, even when the 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:** To encourage community resilience efforts, FEMA may recommend the provision of PA even when estimated damages do not

meet the per capita thresholds when a jurisdiction has invested in mitigation measures.

5. **Recent Multiple Disasters:** FEMA considers the effects of disasters occurring during the last twelve-month period within the disaster-affected jurisdiction to assess need. FEMA considers incidents that received presidential or gubernatorial declarations.
6. **Programs of Other Federal Assistance:** FEMA considers whether other federal assistance may be more appropriate.

When assessing a tribal chief executive's requests, FEMA also evaluates factors that affect tribal governments, including economic impacts and demographics.

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 Report R46749, *FEMA's Public Assistance Program: A Primer and Considerations for Congress*, by Erica A. Lee.

FEMA, *Public Assistance Program and Policy Guide* (PAPPG), FP 104-009-2, Effective January 6, 2025.

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