



FEMA

March 22, 2021

Dear Tribal Leader:

Thank you to everyone who was able to participate in the March 4, 2021, virtual tribal consultation session on policies and procedures under development to deliver COVID-19 related funeral assistance to individuals and households. Thank you, also, to those who submitted comments. The input we have received has been critical to our understanding of the issues which tribal members and tribal nations face. In brief, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, a part of the Consolidated Appropriations Act of 2021, appropriated \$2 billion for FEMA to provide financial assistance to Individuals and Households for funeral costs specifically related to COVID-19 for funeral expenses incurred through December 31, 2020. Since the consultation, Congress passed the American Rescue Plan Act of 2021, which eliminated the December 31, 2020 restriction and removed the \$2 billion cap. Therefore, financial assistance for funeral costs are now eligible for reimbursement at 100% federal cost share from January 20, 2020 and continuing. Congress did not direct FEMA to expand Public Assistance to provide reimbursement of funeral expenses incurred by Tribal Nations.

Due to the hardship presented by the unprecedented number of deaths caused by COVID-19, FEMA chose to streamline the delivery of funeral assistance to make it easier for people who incurred those expenses to apply for and receive assistance. We understand that American Indians and Alaska Natives have suffered losses at an exceptionally high rate. We also understand that there are often challenges associated with the delivery of assistance directly to tribal members and tribal households, which must be addressed to ensure every American affected, regardless of their physical location, is able to access this assistance.

We understand that the consultation process was conducted quickly and without much advance notice, which is a struggle we will always have in creating interim policies to address narrowly defined events and conditions such as those associated with COVID-19. However, we remain committed to the tribal consultation process, and the issues raised in the consultation process will be included for consideration in future updates to our Individual Assistance and Public Assistance Program and Policy Guides.

As part of the tribal consultation session on March 4, 2021, FEMA received 140 comments and questions which we have grouped into five categories. The following summary is provided below for your consideration:

- Reimbursement of Tribes: Can FEMA provide reimbursement to Tribal Nations for costs incurred for financial assistance provided to Tribal members or direct costs incurred by the Tribe for funeral related expenses?

Answer: The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act of 2021 requires FEMA to administer funeral assistance through the Individuals and Households Program provision in section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA understands the financial burden COVID-19 has had on Tribal Governments and commits to exploring additional options to address this need; however, they would fall outside the scope of the initial policy.

- Death Certificates / Cause of Death: What are the options open to tribal members if a death certificate does not specifically state the death was COVID-19 related? In addition, we had questions about tribal members who may have committed suicide related to the emotional strain of COVID-19.

Answer: The death certificate must indicate that COVID-19 played a role in the death. This also applies to those who may have committed suicide. Death certificates indicating the death, in this case suicide, “may have been caused by” or “was likely the result of” COVID-19 are considered sufficient attribution. It is possible to change or amend a death certificate. This process starts with contacting the person who certified the death. This may be a treating doctor, a coroner, or a medical examiner, and their name and address are on the death certificate. Applicants may present evidence to them to support the claim the death was attributable to COVID-19. If a funeral director was involved, they may also be a good resource to help as each jurisdiction may have slightly different procedures.

- Reimbursable Expenses: With respect to cultural funeral and burial practices, what is reimbursable and what if the individual cannot provide a receipt for items that may have been hand-made or purchased years in advance? Can we pay for travel or lodging for tribal members to attend?

Answer: Assistance may be provided for costs for funeral services, to include cremation and burial services. A verifiable receipt or invoice is required as proof of the cost incurred. By law, only costs incurred within the eligible time period may be reimbursed, so any expenses incurred prior to the individual’s COVID-19 related death are not able to be reimbursed.

Lodging and travel costs are only considered for up to two individuals when required to identify the deceased.

- Application Process: Will FEMA provide cultural sensitivity training to call center personnel? Will FEMA consider utilizing teams onsite to assist tribal members in the application process? Will FEMA provide training to tribal officials to assist their members in the application process?

Answer: FEMA will provide cultural sensitivity training to call center personnel. Tribes should work directly with their FEMA Region; the first point of contact is their designated Regional Tribal Liaison. For training purposes, we will be developing a video and accompanying script that describes the registration and application process which can be delivered to tribes virtually upon request through their FEMA Region.

- Consultation Process: There were multiple comments as to the short timeline of the consultation process.

Answer: FEMA was unable to follow normal consultation processes and timelines given the scope, scale, and impact of the program which was authorized by Congress in late December

2020. This required the development of a narrowly focused interim policy that streamlined existing policy to speed delivery of this critical assistance nationally. We understand how challenging this must be to provide us with feedback on an interim policy in such a short notice. We appreciate your feedback and commitment to consulting with FEMA on important issues like funeral assistance.

FEMA remains committed to its responsibility under Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, reaffirmed by President Biden's January 26, 2021 [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#), to engage in consultation and collaboration with tribal officials. We value your input, and this commitment is demonstrated by the fact that this consultation represented the first time a draft interim policy has been shared with any governmental entity outside of FEMA.

Thank you again for your participation and comments.

Respectfully,



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cc: Tribal Emergency Managers
Tribal Associations