



FEMA

April 26, 2021

Dear Tribal Leader:

Thank you for your continued commitment and support of the Tribal Nations you serve. In a letter dated March 22, 2021, FEMA responded to questions and comments received during a virtual tribal consultation session, conducted on March 4, 2021, and associated written comments. This consultation was dedicated to promoting and discussing FEMA policy and procedure for financial assistance to individuals and households for COVID-19-related funeral expenses incurred after January 20, 2020. In our response, FEMA committed to its exploration of additional options for Tribal Nations to receive reimbursement for costs incurred to tribal members or direct costs incurred by the tribe for funeral-related expenses. After thorough consideration and legal review, FEMA determined it cannot fund these expenses under either the Individual Assistance or Public Assistance program as defined in Section 408 and Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

FEMA further evaluated options under the Stafford Act to provide this reimbursement directly to Tribal Nations. The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and American Rescue Plan Act of 2021 directs FEMA to provide financial assistance to an individual or household to meet disaster-related funeral expenses under Section 408(e)(1) of the Stafford Act (42 U.S.C. 5174(e)(1)), for which the federal cost-share shall be 100 percent. This legislative authority is explicit and directs financial assistance to individuals and households. This is consistent with the language found in Section 408(e)(1) of the Stafford Act that limits Other Needs Assistance to individuals or households adversely affected by a major disaster to meet disaster-related funeral expenses.

Additionally, FEMA evaluated Section 403 of the Stafford Act to determine if funding could be provided under its Public Assistance program. FEMA determined Funeral Assistance is not an eligible emergency protective measure that lessens or eliminates the immediate threat that COVID-19 presents to lives or public health and safety. Therefore, this type of reimbursement is not eligible under Section 403 of the Stafford Act and its implementing regulation at 44 C.F.R. 206.225(a). Unfortunately, neither language in the congressional appropriations nor the Stafford Act authorizes FEMA to reimburse states or Tribal Nations for incurred funeral costs.

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 thank you again for your participation and feedback.

Respectfully,

A handwritten signature in blue ink, appearing to read "Keith Turi", is centered on a light gray rectangular background.

Keith Turi
Assistant Administrator
Recovery Directorate
Office of Response and Recovery

cc: Tribal Emergency Managers
Tribal Associations