



FEMA

April 2, 2021

Dear Tribal Leader:

Thank you to the tribal leaders and tribal staff who were able to participate in the Federal Emergency Management Agency's (FEMA) March 19, 2021, tribal consultation session. Our focus on the framework, policy details, and requirements for determining the eligibility of safe opening and operation work and costs under the Public Assistance (PA) Program will be incorporated into FEMA's interim policy, *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance*. Thank you, also, to those who submitted comments. The input we received has been critical to our understanding of the issues which tribal members and tribal nations face.

As discussed during the consultation, in response to January 21, 2021 direction from President Biden to increase FEMA assistance for the safe opening and operation of certain facilities, FEMA has developed an interim policy, *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance*. This policy defines the framework, policy details, and requirements for determining the eligibility of safe opening and operation work and costs under the PA Program. The purpose of this interim policy is to ensure consistent and appropriate implementation across all COVID-19 emergency and major disaster declarations.

Under this interim policy, FEMA may provide assistance to all eligible PA applicants, including tribal governments, to facilitate the safe opening and operation of all eligible facilities in response to COVID-19 declared events. Work performed under the [FEMA Policy 104-009-19, Coronavirus \(COVID-19\) Pandemic: Work Eligible for Public Assistance \(Interim\)](#) remains eligible for assistance. The policy issues raised during the consultation process outside of the scope of this interim policy will be included for consideration in future updates to our [Public Assistance Program and Policy Guide](#).

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 understand that consultation was conducted without much advance notice, which is a struggle we will always have in creating interim policies to address narrowly defined and time sensitive events and conditions during a disaster, such as those associated with COVID-19. However, we remain committed to the tribal consultation process, and the issues raised during the consultation process.

As part of the tribal consultation session on the *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance* interim policy, FEMA received tribal comments and questions which we have grouped into three categories. The following summary is provided based on the comments received:

- **Funding to help tribal governments combat COVID-19 and keep their communities safe.**  
FEMA will continue to provide support to meet the emergency needs of tribal governments during the COVID-19 pandemic. Under the new *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance* interim policy, FEMA is funding the entire cost of eligible work performed from January 21, 2021 through September 30, 2021 to facilitate the safe opening and operation of eligible facilities in response to COVID-19 declared events. Assistance includes the purchase and distribution of personal protective equipment and facemasks, cleaning and disinfection, COVID-19 diagnostic testing, screening and temperature scanning, acquisition and installation of portable temporary barriers and signage to support social distancing, as well as the storage of these supplies.
- **Providing support and technical assistance to help tribal leaders and staff navigate the PA grant program.**  
FEMA is committed to ensuring adequate technical assistance for tribal leaders and staff navigating the PA process. FEMA is working to ensure that all tribal entities interested in PA are provided a program delivery manager to help navigate the process. In addition, tribal leaders and staff can access trainings, tutorials, and guidance by visiting the FEMA [Grants Portal](#) Resources Page or by calling the Grants Portal Helpline at (866) 337-8448.
- **Ensuring proper tribal consultation process is followed and providing tribes with adequate time to review and provide feedback on proposed policies.**  
FEMA was unable to follow normal consultation processes and timelines given the scope, scale, impact, and urgent implementation of the January 21, 2021 Presidential Memorandum. 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 for consulting with FEMA on important issues.

Thank you again for your participation and comments, and we look forward to our continued collaboration.

Respectfully,



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cc: Tribal Emergency Managers  
Tribal Associations