

**STATE OF [insert state name]/TERRITORY OF
[insert state name]
ADMINISTRATIVE PLAN FOR PUBLIC ASSISTANCE
[Annual submission for the period January 1, 20XX -
December 31, 20XX]**

This document is intended to be a sample format that States can use as guidance as they develop their own State Administrative Plan. It provides citations of the laws, regulations, and policies that State procedures must comply with to meet Federal program and grant administrative requirements. This sample format is not intended to be used as a final administrative plan and each State should tailor the format of their Administrative Plans, as needed, to best explain their own process of delivering FEMA’s Public Assistance Program in their state.

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Purpose

The purpose of this plan is to define the roles and responsibilities of the State of **[insert name]** in administering the Public Assistance Program, and to outline staffing requirements and the policies and procedures to be used.

This plan is effective for all disasters declared on or after **[insert date - MM/DD/YYYY]**. In accordance with 44 CFR § 206.207 this plan will be updated or amended as needed following each major disaster declaration. Any revised plan will be submitted to FEMA for approval of the regional administrator prior to the award of Public Assistance Program funding.

Authorities

State

Please include all state laws, regulations, and other applicable authorities for example:

- State Disaster Act
- Executive Order of the Governor State Emergency Management Plan
- List any appropriate State laws and regulations that impact delivery of disaster assistance

Federal

Please include all Federal laws, regulations, and other applicable authorities for example:

- Stafford Act, P.L. 93-288, codified as amended, 42 U.S.C. 5121 et seq.
- FEMA Regulation, 44 CFR Part 206, Federal Disaster Assistance
- FEMA Regulation, 44 CFR Part 208, Management Costs
- FEMA Regulation, 2 CFR Part 200 and 3002, Uniform Administrative Requirement, Cost Principles, and Audit Requirement for Federal Awards
- 44 CFR Part 9, Floodplain Management and Protection of Wetlands
- 44 CFR Part 11, Claims
- 44 CFR Subchapter B, Insurance and Hazard Mitigation National Eligibility Criteria
- Executive Order 12612, Federalism
- Executive Order 12699, Seismic Design
- Executive Order 12898, Environmental Justice
- Public Assistance Program and Policy Guide (PAPPG), 2020
- Public Assistance Policy on Insurance, 2015
- FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements and Instruction 108-1-1, Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements
- DHS Directive 023-01-01, Implementation of the National Environmental Policy Act
- 16 U.S.C. Part 3501, Coastal Barrier Resources Act

- 16 U.S.C. Part 1531, Endangered Species Act
- Sandy Recovery Improvement Act
- Disaster Recovery Reform Act (DRRA) of 2018

Definitions

Alternate Project: A Subrecipient may determine that the public welfare would not be best served by restoring a damaged facility or its function using FEMA funds. This usually occurs when the service provided by the facility is no longer needed, although the facility was still in use at the time of the disaster. Under these circumstances, a Subrecipient may apply to FEMA to use the eligible funds for an Alternate Project (In compliance with the Stafford Act § 406 (c)(1), 44 CFR § 206.203 (d)(2), Public Assistance Program and Policy Guide).

Applicant: A State, local, Tribal government, other legal entity, or certain private nonprofit organizations that receive a subgrant award and which is accountable to the Grantee for the use of the funds provided. Also referred to as Subgrantee.

Closeout: The process in which the federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the Federal award have been completed and takes actions as described in 2 CFR § 200.343 Closeout.

Emergency Work: Work that must be done immediately to save lives, protect improved property, protect public health and safety, or avert or lessen the threat of a major disaster. Debris removal and emergency protective measures are referred to as Emergency Work.

Expedited Funding: Expedited payments can be made to subrecipients who participated in the Preliminary Damage Assessment (PDA) and who have applied for PA. FEMA will obligate 50 percent of the federal share of the estimated cost of work under Category A and Category B as estimated during the PDA.

Facility: Any publicly or privately-owned building, works, system or equipment— built or manufactured—or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.

Federal Emergency Management Agency (FEMA): The Federal agency responsible for coordinating disaster recovery efforts. When used in this plan, the term also refers to the Regional Administrator (RA) of FEMA Region (#), or a Disaster Recovery Manager (DRM) appointed by the Regional Administrator.

FEMA-State Agreement: A formal legal document between FEMA and the State stating the understandings, commitments, and binding conditions for assistance resulting from a federal disaster or emergency declared by the President. The FEMA Regional Administrator and the Governor sign the document.

Grants Manager/Portal: FEMA now uses the Grants Manager and Grants Portal tool, which is a web based, project tracking system used by FEMA, the state, and applicants. The tool captures Public Assistance program projects in formulation for a seamless transition to project obligation. Applicants will be required to Register for Public Assistance through the Portal.

Grantee: The government entity to which a grant is awarded, and which is accountable for use of the funds provided. The grantee is also referred to as the recipient, and the Pass-Through Entity, and is considered a non-federal entity.

Hazard Mitigation: Any cost-effective measure that will reduce the potential for damage to a facility from a similar disaster event.

Improved Projects: Applicants performing restoration work on a damaged facility may use the opportunity to make additional improvements while still restoring the facility to its pre- disaster design and function. Federal funding will be limited to the approved estimate of eligible cost. (44 CFR 206.203(d) (1)). FEMA approval must be obtained prior to the start of construction.

Large Projects: The large project threshold is an amount of approved project estimated costs adjusted by FEMA annually to reflect changes in the Consumer Price Index for all Urban Consumers. It is that amount in effect on the declaration date of the disaster, regardless of when project approval is made or when the work is performed. The large project threshold will be identified in the Disaster Specific Administrative Plan (DSAP) for each respective disaster.

Pass-Through Entity: A non-federal entity that provides a subgrant to a subrecipient to carry out part of a federal program. Also referred to as the recipient.

Permanent Work: Restorative work performed on damaged facilities through repairs or replacement, to pre-disaster design and current applicable standards. Under the Public Assistance Program, Roads and Bridges (Category C), Water Control Facilities (Category D), Buildings and Equipment (Category E), Utilities (Category F), and Parks, Recreational Facilities, and Other Items (Category G), are referred to as permanent work.

Pre-Disaster Design: The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.

Project Application: The Project Application is the primary form used to document the location, damage description and dimensions, scope of work, and cost estimate for each project. It may also be referred to as a subaward.

Project: A logical grouping of work required as a result of the declared major disaster or emergency. The scope of work and cost estimate for a project are documented on a Project Application.

Small Projects: Approved projects estimated to cost less than the large project threshold amount. The small project threshold will be identified in the Disaster Specific Administrative Plan (DSAP) for each respective disaster.

Special Considerations: Issues that may involve insurance, floodplain management, Hazard Mitigation, historic preservation and/or environmental reviews as they relate to Public Assistance Program funding.

Standards: Codes, specifications or standards required for the construction of facilities.

Subaward: Subawards are the individual projects associated with a specific subrecipient and its subgrant agreement with the State.

Subgrant: A portion of a grant or award that is distributed to a third party (subrecipient) by the recipient (pass-through entity) of the original award to conduct project work in compliance with the grantee's terms and conditions.

Subrecipient: A state or local government or other legal entity which receives an award (subgrant) and which is accountable to the grantee for the use of funds provided. The subrecipient is responsible for the non-federal portion of its PA grant.

Other definitions may be found in 2 CFR § 200.1.

Acronyms

AGAR: Alternate Government Authorized Representative

CFR: Code of Federal Regulations

FEMA: Federal Emergency Management Agency

FTA: FEMA-Tribe Agreement

EHAD: Environmental and Historic Preservation Advisor

EHP: Environmental and Historic Preservation
JFO: Joint Field Office
GAR: Governor’s Authorized Representative
NFIP: National Flood Insurance Program
PA: Public Assistance
PAGS: Public Assistance Group Supervisor
PAPPG: Public Assistance Program and Policy Guide
PDA: Preliminary Damage Assessment
PDMG: Public Assistance Program Delivery Manager
RA: Regional Administrator
RPA: Register for Public Assistance
SCO: State Coordinating Officer
SFHA: Special Flood Hazard Area

Organization and Responsibilities

Organization

The Governor has designated the State of **[insert name of emergency management agency]**, as the State office responsible for managing and administering the Public Assistance Program. Examples of these responsibilities include, but are not limited to:

- Monitoring and assuring state compliance with the FEMA-State Agreement.
- Determining budget and staffing requirements necessary for program management.
- Submitting the Application for Federal Assistance (SF-424).
- Complying with Federal and State program and grant administrative requirements.
- Defining the chain of command and specific responsibilities for the alternate Governor’s Authorized Representatives (GARs) and State Coordinating Officers (SCOs) in each disaster declared establishing the direction and control of the state operations including operations at the JFO.
- Conducting and participating with FEMA in conducting damage surveys to serve as a basis for obligations of funds to subrecipients.
- Notifying potential applicants of the availability of assistance.
- Conducting Applicant Briefings.
- Participating in Recovery Scoping Meetings when applicable.
- Assigning state staffing to work with FEMA staff to assist in the development of the subrecipient’s applications and enforcing Special Considerations requirements.
- Supporting Applicants in the development and submission of project applications.
- Assisting FEMA in determining work and eligibility.
- Requesting immediate needs funding and expedited funding on behalf of the Applicants as applicable.

- Assisting Applicants in identifying areas for Hazard Mitigation.
- Coordinating with the FEMA Environmental and Historic Preservation Advisor (EHAD) and complying with applicable EHP laws, regulations, and executive orders and any EHP conditions associated with the grant.
- Processing requests for appeals and approval of time extensions, cost overruns, improved projects, alternate projects, advances, and reimbursements.
- Making recommendations to FEMA on appeals and alternate project requests.
- Complying with administrative requirements of 44 CFR, Part 206, and the audit requirements of 2 CFR.
- Ensuring all procurement complies with the requirements of 2 CFR 200.317 through 200.332, regardless of state emergency provisions to be eligible for federal assistance.
- Securing insurance information from Applicants when required.
- Processing requests for time extensions, improved projects, alternate projects, advances, and reimbursements.
- Reviewing and certifying project completion information.
- Conducting quarterly reviews, site inspections and audits, as required, ensuring program compliance.
- Reporting to FEMA on a quarterly basis the financial status of PA grant and progress information per FEMA requirement.

Management and Program Staff

The State is responsible for administering all funds provided under the Public Assistance Program, as well as coordinating the program among FEMA, the State and Applicants. The Governor will appoint a Governor's Authorized Representative (GAR) and a State Coordinating Officer (SCO).

State Coordinating Officer (SCO): The person designated by the governor to coordinate state and local disaster assistance efforts with the federal government is the State Coordinating Officer (SCO). Alternate or Deputy State Coordinating Officers are appointed as necessary to fulfill the duties of the SCO in his place.

Governor's Authorized Representative (GAR): The person designated by the governor to execute all necessary documents for disaster assistance programs on behalf of the state and local grant recipients. The GAR is responsible for ensuring state compliance with the FEMA-State Agreement to include evaluating and monitoring compliance with statutes, regulations and terms and conditions of Federal awards. The GAR may also be designated as the State Coordinating Officer. Alternate GARs are appointed as necessary to fulfill the duties of the GAR when needed.

Alternate Government Authorized Representative (AGAR): The person appointed to assume responsibilities and perform duties in the absence of the designated GAR. The AGAR assists the GAR with the administration and management of the Public Assistance Program, as authorized under State and Federal Laws and Regulations and performs other duties as necessary.

Administrative and Support Staff: Staffing requirements vary depending on the magnitude, type, and extent of the disaster.

- Please provide a comprehensive staffing plan to identify all PA staffing functions, sources of staff to fill these functions, and management and oversight responsibilities of each.
- Include procedures for determining staffing and budgeting requirements necessary for program management.
- Provide an estimated budget with projected expenditures under State management administrative costs and statutory administrative costs.

Direction and Control

Depending on the size and nature of the disaster, the State may choose to participate at various levels in the Public Assistance process. Define the procedures for completing each activity below.

Pre – Declaration Activities

Preliminary Damage Assessment (PDA): When a State determines that an incident may exceed the State’s capabilities to respond, it requests a joint Preliminary Damage Assessment (PDA) with FEMA. Accurate and comprehensive PDAs are critical to enabling efficient response and recovery.

Post – Declaration Activities

Grant Approval: The State submits an "Application for Federal Assistance" (SF-424), and "Assurances for Construction Programs" (SF-424D), to FEMA in order to receive Federal funding. Approved project applications will be the basis for issuing the grant and any subgrants, if applicable, in accordance with the cost sharing provisions established in the FEMA-State Agreement.

Notifying Potential Applicants: The State notifies potential Applicants of the assistance that is available and the time, date, and method of presenting the Applicant Briefing.

Applicant Eligibility: The State assists FEMA in screening all potential Applicants for eligibility.

Project Application: The State’s involvement includes:

- Supporting the development and submission of project applications.

- Assisting FEMA and/or any Subrecipients in inspecting damaged sites, documenting the damage description and dimensions, and developing scopes of work and cost estimates.
- Assisting FEMA and/or the Applicant in developing scopes of work and cost estimates
- Participating in the project validation process.
- Notifying FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.
- Assisting FEMA and any Subrecipients in identifying Hazard Mitigation opportunities as provided by Section 406 of the Stafford Act.

Project Funding and Regulations

The State is responsible for providing procedures for processing requests for advances of funds, reimbursement, refunds, and recoupments. Please provide procedures that describe how the State will request advance or reimbursement and specify that the State will not advance funds unless the subgrantee certifies that they have spent, or will spend within 30 days, the funds on eligible expenditures.

The State is also responsible for providing procedures for processing Improved and Alternate Projects, appeals request and decisions, time extensions, and cost overruns during the performance of the grant.

Small Projects: Funding for small projects is based on the federal share of the project estimate, or the federal share of actual costs for small projects that were 100 percent complete when written. Approved funding will be processed for payment once these projects are obligated by FEMA and the subrecipient has satisfied all initial application and documentation requirements. While funding is granted at approval and the subrecipient is required to certify fund expenditures to the State, subrecipients are required to ensure all small projects are completed in accordance with the approved scope and must maintain all project documentation as it is subject to audit by the Office of the Inspector General (OIG), FEMA, and other federal and state agencies having oversight of federal grants.

The State will verify all significant cost overrun appeals submitted on small projects by conducting a review of all approved small project applications. The State will base its recommendation for additional funding (a Net Small Project Overrun) on the information obtained during the review and will forward a report to FEMA for final determination. The cost share will be determined from final actual eligible project costs (whether an overrun or an underrun) and will be adjusted at the time actual eligible costs for all Small Projects are determined.

Large Projects: Upon completion of a Large Project, the State will conduct a review of each project's cost summary to verify the actual project cost. If a Large Project was 100 percent complete at the time the project was prepared, the eligible cost was based on actual cost information and no additional funding is claimed, no further review by the State will be necessary.

If an approved project is not completed, the State is required to return the federal funding that was provided for that project.

The State disburses the federal share to the subrecipient upon obligation of funds by FEMA and the receipt of all necessary supporting documentation to include insurance and support for expenditures.

The State must submit a Large Project Expenditure Report and Completion Certification and must certify that:

- All incurred costs are associated with the approved Scope of Work (SOW).
- The Subrecipient completed all work in compliance with the FEMA-State Agreement.
- It made all payments in accordance with 2 CFR § 200.305.

Management Cost Projects: Funding is based upon actual costs incurred up to five percent of the total award amount for each Applicant. Eligible costs include indirect costs, direct administrative costs, and other administrative expenses associated with a specific project. The total award amount, for the purposes of calculating the management cost contribution, is the actual eligible PA project costs (federal and non-federal share) after insurance and any other reductions. Donated Resource projects are not included in the calculation as they are not project awards.

Expedited Projects: Funding may be made available for debris removal or emergency protective measures projects that meet or exceed the Large Project threshold. Funding is capped at 50 percent of the Federal share of the estimated project cost. Requests for Expedited Projects must be submitted to FEMA within 60 days of viewing the Recovery Scoping Video or attending the Recovery Scoping Meeting if a PDMG has been assigned.

Improved and Alternate projects: The State may submit a request to FEMA for an improved or alternate project regarding any Applicant's project. Requests for improved or alternate projects should be submitted to FEMA for approval prior to starting the proposed work. The State will review the request for eligibility and will ensure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:

- The reason for requesting an improved or alternate project.

- A description of the proposed work.
- A schedule of work.
- Cost estimates.
- Necessary assurances to document compliance with special requirements, including but not limited to, insurance, environmental assessment, floodplain management, historic preservation, Hazard Mitigation, protection of wetlands, endangered species, and other relevant environmental compliance requirements.

PA Hazard Mitigation Projects: FEMA and Subrecipients identify Hazard Mitigation opportunities as provided by Section 406 of the Stafford Act. Such mitigation measures are directly part of the reconstructed work on a facility and will protect or benefit the repaired facility. They are different from mitigation measures that could be considered for eligibility under the Hazard Mitigation Grant Program of Section 404 of the Stafford Act. The State of **[insert State name]** responsibilities include but are not limited to:

- Assisting the individual Applicants in developing and submitting PA Hazard Mitigation proposals to FEMA for review.
- Providing information as to the technical feasibility, environmental and historic preservation compliance as well as the cost effectiveness of proposed PA Hazard Mitigation projects, in coordination with FEMA.
- Completing a benefit/cost analysis for PA Hazard Mitigation proposals when applicable.
- Coordinating the request for FEMA approval through the GAR.

Insurance Requirements: The State is responsible for assisting FEMA with reviews of Applicant insurance coverage. Provide procedures stating who will do the work, detail steps, and documentation necessary to review insurance. 44 CFR, Part 206, Subpart I, establishes insurance requirements applicable to disaster assistance provided by FEMA. Prior to approval of a FEMA grant for the repair, restoration or replacement of an insurable facility or its contents damages by a major disaster:

Eligible costs shall be reduced by the amount of any insurance recovery received or anticipated. Reasonable efforts must be taken to recover insurance proceeds that Applicants are entitled to receive from their insurer(s) per Public Assistance Program and Policy Guide and Public Assistance Policy on Insurance.

If eligible damages under section 406 of the Stafford Act, are greater than 5,000, an Applicant must obtain and maintain insurance to cover the assisted facility for the hazard that caused the major disaster in the amount of the eligible damage to the facility.

EHP Compliance Requirements: Applicants must comply with EHP conditions that are associated with a grant. Non-compliance with EHP conditions may jeopardize FEMA funding.

Reimbursement of Federal Funds: FEMA will notify Applicants promptly following the total or partial de-obligation of an approved project. FEMA will also notify the State if FEMA has determined that a reimbursement is required. If applicable, the State will notify the Applicant as soon as possible.

Award Monitoring and Closeout

The State is responsible for providing procedures for processing requests for appeal, determinations, and time extensions during the performance of the grant.

Time Limitations: The State will ensure that approved work is completed within the following time frames from the date a major disaster or emergency is declared:

- Emergency Work = 6 months
- Permanent Work = 18 months

Time Extensions: The State may grant a time extension on any Applicant's project if the reason for delay is based on extenuating circumstances or unusual project requirements beyond the applicable Applicant's control. An Applicant may request a time extension on any approved project by submitting a written request to the State prior to the completion date currently in effect. The additional time requested may not exceed the following time frames:

- Emergency Work = 6 months
- Permanent Work = 30 months

The State will notify FEMA of all time extensions that have been approved. Requests for time extensions beyond the State's authority will be forwarded to FEMA in writing for determination with the State's recommendation in accordance with the requirements of 44 CFR, Section 206.204 (d). Work performed after the last approved completion deadline is subject to having funding reduced or withdrawn.

Appeals: Any Applicant may appeal a determination made by FEMA. Upon receipt of an appeal from an Applicant, the State reviews the documentation submitted, makes additional investigations if necessary, and forwards the appeal with a written recommendation to FEMA within 60 days of receiving the appeal from the Applicant. The State must submit its own appeals, and any Applicant must submit its appeals to the State, within 60 days from the date of written notice of the determination being appealed. Second and final appeals are submitted within 60 days of written notice of the determination

made on the first appeal. Appeals regarding Net Small Project Overruns must be submitted 60 days from the date the last Small Project was completed.

Final Inspection: A final inspection and/or audit will be conducted by the State for all Large Projects once the projects have been completed and the project cost summary has been submitted by the Applicant (unless the project was 100% complete at the time it was prepared) in order to certify to FEMA that the reported costs were incurred in the performance of eligible work. For technical and complex projects, a qualified inspector will conduct a final inspection. The final inspection should be completed as soon as practical following the completion or receipt of the project cost summary.

Closeout: The **[insert State name]** and each Applicant will be closed out once its Small and Large Projects are closed out. Small Projects will be closed out in accordance with 44 CFR 206.205 (a) after the State has determined that all work has been completed, all necessary documents have been received, and any appeal for Small Project overruns has been reconciled. Large Projects will be closed out individually in accordance with 44 CFR 206.205 (b), after the State has determined that all work has been completed, all necessary documents have been received, the costs for each individual large project have been reconciled, all project payments have been made, and no further action is pending or anticipated (including litigation or lawsuits). The State will notify FEMA when all eligible funds have been paid to an Applicant and request Applicant closeout within 180 days from the date that the Applicant completes each large project. When all Subrecipients have been closed out and all eligible funding has been reconciled, the State will request that FEMA close the Public Assistance Program for that disaster. The closeout of a grant does not affect:

- FEMA's right to disallow costs and recover funds based on a later audit or other review.
- The **[insert State name]**'s obligation to return any funds due to a result of later refunds, corrections or other transactions.
- Records retention as required by 2 CFR, section 200.333.
- Property management requirements in 44 CFR, section 200.344.
- Audit requirements in 2 CFR, part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Audit Requirement: Audit requirements will be in accordance with 2 CFR 200.501 as appropriate. A Recipient or Subrecipient that expends \$750,000 or more in Federal funds during its fiscal year must perform a single or program-specific audit. Such Applicants must provide the State with a copy of the Single Audit. FEMA may elect to conduct a federal audit of the disaster assistance grant or any of the subgrants.

An auditor shall determine whether the financial statements of the auditee are presented fairly in all material respects in conformity with generally accepted accounting principles and whether the schedule of expenditures of Federal awards is presented fairly in relation to the auditee's financial statements taken as a whole.

Records and Reports

Documentation Retention Requirements: The State must keep all financial and program documentation for 3 years after the date it submits the final Financial Status Report (SF-425) and must ensure Applicants maintain all source documentation for each project for 3 years after the date of submission of the final SF-425. During the 3-year period, all approved projects are subject to State and Federal review and audit.

Financial Status Reports (SF-425/SF-425A): The State of [insert State name] will submit the financial reports to the FEMA regional office on a quarterly basis throughout the grant awards period of performance, including any partial quarters in which the period of performance is open. Reports will be submitted even if no grant award activity occurs during a given quarter. The reporting periods are as follows:

Reporting Period	Report Due Date
October 1 - December 31	January 30
January 1 - March 31	April 30
April 1 - June 30	July 30
July 1 - September 30	October 30

Progress Reports: The State will submit a quarterly progress report to FEMA, which will contain the work completion status of all Large Projects, which have not received final payment. The first quarterly report will be submitted three months from the date the JFO opened or on a quarterly schedule mutually agreed upon between FEMA and the State. FEMA has no reporting requirements for Subrecipients, but the State is expected to impose some reporting requirements on the Subrecipients so that it can prepare quarterly reports. This information will be a key element in identifying Large Project cost overruns.

Development and Maintenance

The State will submit a revised plan annually and for each disaster for which Public Assistance is requested. Revisions will be forwarded to the FEMA Regional Administrator for approval. The State will amend this plan whenever necessary to reflect current policy guidelines and any new or revised Federal statutes, regulations, or a change in any State law, organization, policy, or State agency operation that is relevant to the administration of the Public Assistance Program. The State will submit for approval only the amended portions of the plan.

This document constitutes the Public Assistance Administration Plan of the State of **[insert state name]**, which is submitted for approval in accordance with 44 CFR § 206.207. The Plan will be incorporated into the emergency plan of the **[insert state name]** in the form approved.

Submitted for Approval:

[insert first and last name]
MM/DD/YYYY
Governor or GAR

[insert date -