

[insert Tribe 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 Tribes can use as guidance as they develop their own Tribal Administrative Plan. It provides citations of the laws, regulations, and policies that Tribal 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 Tribe should tailor the format of their Administrative Plans, as needed, to best explain their own process of delivering FEMA’s Public Assistance Program.

Table of Contents

Purpose..... 1

Authorities..... 2

Tribal..... 2

Federal..... 2

Definitions..... 3

Acronyms..... 5

Organization and Responsibilities..... 5

Organization..... 5

Management and Program Staff..... 6

Direction and Control..... 9

Pre - Declaration Activities..... 9

Post - Declaration Activities..... 9

Project Funding and Regulations..... 10

Award Monitoring and Closeout..... 13

Records and Reports..... 15

Development and Maintenance..... 15

Purpose

The purpose of this plan is to identify the roles and responsibilities of the **[Tribe name and address]** in administering the Public Assistance Program

and to outline staffing requirements and the policies and procedures to be used. This plan (Plan) has been developed and submitted for approval in accordance with 44 CFR § 206.207. The approved Plan will be incorporated into the emergency plan of the **[insert Tribe name]**

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

Tribal

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

- Tribal Constitution and Bylaws
- Tribal Emergency Operations Plan
- Reservation Forest Management Plan
- Tribal Procurement Policy and Code of Conduct
- Tribal Code, Ordinance, Statute, or other Tribal Law. Examples: Title 35, Riparian Protection and Surface Mining Practices Ordinance.
- Title 49 of the **[insert Tribe name]** Law & Order Code (Solid Waste Management), and other applicable provisions of Tribal Law

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
- FEMA Regulation, 44 CFR Part 207
- 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 13175- Consultation and Coordination with Indian Tribal Governments
- Public Assistance Program and Policy Guide (PAPPG), 20XX
- Public Assistance Policy on Insurance, FP 206-086-1
- Tribal Declarations Pilot Guidance (TDPG), 2017

- 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

Definitions

Alternate Project: Refers to when the **[insert Tribe name]** determines it not to be in the best interest of the **[insert Tribe name]** to repair damage to a facility, funds may be used to repair or expand other Tribal facilities, or to fund Hazard Mitigation measures.

Application Period: The thirty (30) day period following the declaration of disaster in which the damage was located, during which the **[insert Tribe name]**'s Tribal Authorized Representative (TAR) submits a completed Request for Public Assistance (RPA) form to the FEMA Regional Administrator

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 Assistance: As a federally recognized Indian tribe, the **[insert Tribe name]** receives aid from the Federal Government pursuant to Federal statutory authorities.

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

Educational Facilities: Any facility that supports the mission of the educational institution.

Educational Institutions: Any Pre-School, Head Start or Early Childhood Education, Elementary Schools, High Schools, Continuation Schools and Higher Education as defined in the **[insert State name]** Education Code.

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.

Expedited Projects: FEMA may provide expedited (or immediate needs) funding for Emergency Work projects (Categories A or B) that meet or exceed the large project threshold to assist with payment within the first 60 days after a declared disaster occurs. FEMA funds expedited projects at 50 percent of the Federal share of the estimated project costs.

Grants Portal/Grants Manager: FEMA program delivery model which is a web-based, project tracking system for use by FEMA, recipients, and subrecipients.

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

Joint Field Office (JFO): A temporary facility or virtual coordination hub established in a Presidential-disaster declaration. This office is to serve as the field headquarters for FEMA and Tribal recovery personnel, and as the focal point for disaster operation, direction, coordination, and information.

Large Project: A project for which the final obligated (Federal and non-Federal) amount is equal to or greater than the annually adjusted cost threshold for small project grants.

Large Project Threshold Amount: An amount of approved project estimated costs adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers and published in the Federal Register. The Large Project Threshold Amount applicable to any project 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.

Permanent Work: Restorative work that must be performed, through repairs or replacement, to restore an eligible facility based on its pre-disaster design and in accordance with current applicable standards.

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: A 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.

Project Application: Used by the Tribal Applicant and FEMA to develop projects. 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.

[insert Tribe name] (Recipient): The **[insert Tribe name and address]** is also referred to in this Plan as the Recipient. The Recipient is a non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program.

School Districts: The **[insert name]** School District is the only school district located within the **[insert Tribe name]** Indian Reservation.

Small Project: A project for which the final obligated (Federal and non-Federal) amount is less than the annually adjusted cost threshold for small project grants.

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

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

Tribal Applicant: The **[insert Tribe name]** and any sub-recipient Tribal agency or other legal entity that receives an award and which is accountable to the **[insert Tribe name]** (Recipient) for the use of the funds provided.

Tribal Authorized Representative (TAR): The person who is empowered by the Chief Executive to execute on behalf of the **[insert Tribe name]**, all necessary documents for disaster assistance. The Chief Executive may appoint an Alternate TAR (ATAR) who is similarly empowered.

Other definitions may be found in 2 CFR § 200.1.

Acronyms

ATAR: Alternate Tribal 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

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: Request for Public Assistance
SFHA: Special Flood Hazard Area
TAR: Tribal Authorized Representative
TCO: Tribal Coordinating Officer
TDPG: Tribal Declarations Pilot Guidance

Organization and Responsibilities

Organization

The **[insert Tribe name]** has designated **[insert name]** (TAR) and **[insert name]** (Alternate TAR) as the officers responsible for managing and administering the Program. Examples of these responsibilities include, but are not limited to:

- The TAR will submit a staffing plan following the signing of the FEMA1Tribe Agreement.
- The TAR and Alternate TAR will be the minimum staffing required to administer the Federal Grant.
- The TAR will assume initial responsibilities for Public Assistance activities upon the Federal declaration of an emergency or disaster.
- Notifying potential Applicants.
- Conducting Applicants' Briefings.
- Requesting Immediate Needs Funding on behalf of the Tribal Applicants.
- Attending Recovery Scoping Meetings.
- Assigning a Tribal Applicant Liaison to work with the FEMA Public Assistance Program Delivery Manager (PDMG).
- 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.
- Assisting FEMA in determining work and Tribal Applicant eligibility.
- Processing requests for appeals and approval of time extensions, cost overruns, improved 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.
- Securing insurance information from Applicants when required.
- Participating with FEMA in establishing Hazard Mitigation and insurance requirements.
- 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; and
- Determining budget and staffing requirements necessary for proper program management.

Management and Program Staff

The **[insert Tribe name]** is responsible for administering all funds provided under the Public Assistance Program, as well as coordinating the program among FEMA and the Tribal Applicants. The **[insert Tribe name]** may submit a claim for reimbursement for costs incurred for administrative personnel to FEMA in accordance with the management and administrative cost provisions of 44 CFR § 206.228. The **[insert Tribe name]** will appoint a Tribal Authorized Representative (TAR) and a Tribal Coordinating Officer (TCO).

Tribal Coordinating Officer (TCO): The person designated by the **[insert Tribe name]** to coordinate local disaster assistance efforts with that of the Federal government. The TCO will also be designated as the TAR.

Tribal Coordinating Officer: [insert name]

Tribal Authorized Representative (TAR): The person designated by the **[insert Tribe name]** to execute all necessary documents for disaster assistance programs on behalf of the Tribe and local grant recipients. The TAR is responsible for ensuring Tribe compliance with the FEMA-Tribe Agreement to include evaluating and monitoring compliance with statutes, regulations and terms and conditions of Federal awards. Alternate TARs are appointed as necessary to fulfill the duties of the TAR in his place.

Tribal Authorized Representative [TAR]: [insert name]

TAR responsibilities include but are not limited to:

- Execute all necessary documents on behalf of the **[insert Tribe name]**.
- Review and recommend projects, prior to submittal for approval from their Public Assistance Coordinator.
- Coordinate and provide personnel for PDA, Tribal Applicant Briefing, Recovery Scoping Meeting, project formulation and final inspection activities.
- Organize documentation and record keeping in compliance with pre-award and post award requirements.
- Supervise the planning and writing of the Mitigation and Floodplain Plan in accordance with the Stafford Act and FEMA regulations.

- Coordinate with the Regional Administrator to determine the extent of the **[insert Tribe name]**'s Insurance.
- Initiate actions and make recommendations, as authorized by **[insert Tribe name]**, in accordance with the Stafford Act, and FEMA regulations relative to improved and alternate project funding options, advance of funds and reimbursements, time extensions and cost overruns, quarterly status reports and appeals.
- Ensure Tribal conformity with administrative and fiscal control and accounting requirements of 44 CFR part 206 and 2 CFR parts 200 and 3002.
- Coordinate with the Tribal Fiscal Officer to ensure compliance with 2 CFR parts 200 and 3002.
- Process requests for cash advance or reimbursements in accordance with the FEMA-Tribe Agreement, federal regulatory requirements and **[insert Tribe name]** current accounting practices.
- Submit all copies of audits and reports to, as required by 2 CFR 200, the FEMA Office of the Inspector General (OIG).
- Process Final Claims for submittal to the Regional Administrator with requests for final payment.
- Submit final project closure documents to the Regional Administrator to terminate the FEMA-Tribe Agreement when all work has been completed.
- Coordinate and assign Tribal inspectors to FEMA teams for preparation of large projects and for Tribal preparation of small projects.
- Represent the **[insert Tribe name]** on the project formulation team, assist in the preparation of large and small project application, provide technical assistance to the **[insert Tribe name]** and make eligibility recommendations for restorative work.
- Act as a first level review for completed project applications.
- Prepare and submit quarterly performance/progress reports to the Regional Administrator. Quarterly reports shall be determined after the signing of the FEMA-Tribe Agreement (FTA).

Alternate Tribal Authorized Representative (ATAR):

- Assume responsibilities and perform duties in the absence of the designated TAR.
- Assist the TAR with the administration and management of the Public Assistance Program, as authorized under Tribal and Federal Laws and Regulations.
- Perform other duties as necessary.

Alternate Tribal Authorized Representative: [insert name]

Tribal Chairman: The Chairman is the **[insert Commander in Chief or other title as appropriate]** in the event of a State of Emergency or disaster declaration and Spokesperson for the **[insert Tribe name]**.

Tribal Chairman: [insert name]

Administrative 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 Tribe management administrative costs and statutory administrative costs. The following personnel may be used to assist the TCO/TAR in meeting program administrative requirements.

Tribal Clerical Staff will:

- Process various disaster assistance applications.
- Prepare routine correspondence for signature of Tribal Staff.
- Assist with any other clerical or office support tasks as necessary.

Tribal Fiscal Officer will:

- Develop and implement accounting procedures as required by federal regulations, the FTA, and any applicable Tribal requirements.
- Prepare ledgers and supervise recording of tribal transactions.
- Coordinate the processing of documents necessary for reimbursement procedures and requests for additional funding, when necessary.
- Use the SMARTLINK Payment Management System to draw down funds obligated for the **[insert Tribe name]** under the Public Assistance Program.
- Process FEMA bills for collection in accordance with the FTA and 44 CFR Part II, Subpart C.
- Submit as the Grant Manager, FEMA Office of the Chief Financial Officer (OCFO) Quarterly Financial Status Reports to the Regional Administrator.
- Prepare and submit quarterly cash transaction reports (PSC 272) to the Regional Administrator.
- Perform other administrative duties as required.

Office of [insert Tribal Attorney/Attorney General or other name as appropriate] will:

- Provide the **[insert Tribe name]** with legal advice as necessary.
- Review all contracts related to Public Assistance repairs.
- Perform other administrative duties as assigned.

Tribal Entities and their Managers/Directors will:

- Complete Preliminary Damage Assessments (PDA).
- Prepare and collect all information necessary to develop project applications.

- Provide technical assistance to FEMA regarding department specific projects; and
- Attend all meetings regarding the restoration projects.

Tribal Insurance Officer will:

- Provide the TAR with necessary insurance information to determine FEMA funding eligibility.
- Provide copies of insurance policies of affected properties for FEMA review.
- Assist Tribal departments in preparing proper claim forms and forms shall then be submitted to TAR and FEMA.
- Perform other duties as necessary to complete PA process.

Other Departments/Entities:

- One or more departments provide Tribal Administrative Support Personnel, as required, including a Computer Specialist/Administrative Technician and a Clerk/Typist

Direction and Control

Depending on the size and nature of the disaster, the Tribe 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 Tribe determines that an incident may exceed the Tribe'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 **[insert Tribe name]** 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-Tribe Agreement.

Notifying Potential Tribal Applicants: The **[insert Tribe name]** will notify potential Tribal Applicants of the assistance that is available and the time and date of the Tribal Applicants' Briefing which will be held in their area. The **[insert Tribe name]** may determine that a separate Tribal Applicants' Briefing on Tribal land is not necessary. Tribal Applicants may attend a Tribal Applicants' Briefing, or an Applicants' briefing held by the State, if more convenient.

Request for Public Assistance: The **[insert Tribe name]** must forward a Request for Public Assistance on behalf of each Tribal Applicant with the Regional Administrator within 30 days from the date Public Assistance was declared for tribal land. Requests submitted after this 30-day period will be reviewed on a case-by-case basis and, if warranted, will be forwarded to FEMA for consideration. If necessary, the **[insert Tribe name]** may request that the deadline for filing Requests be extended.

Tribal Applicant Eligibility: The **[insert Tribe name]** assists FEMA in screening all potential Tribal Applicants for eligibility.

Project Application: The Tribe's involvement includes:

- Supporting the development and submission of project applications.
- Assisting FEMA and/or any Applicants in inspecting damaged sites, documenting the damage description and dimensions, and developing scopes of work and cost estimates.
- Assisting FEMA and/or the Tribal 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.

The **[insert Tribe name]** will:

- Be responsible for identifying projects that are anticipated to be large projects.
- Ensure compliance with, insurance coverage, floodplain management requirements, identify Hazard Mitigation opportunities, and obtain all required EHP permits.
- Report any additional damage that is not previously identified to the PDMG within 60 days of the initial inspection. If warranted, the **[insert Tribe name]** may request an extension of time in order to report additional damage.
- Notify FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.

Once project applications are approved by FEMA, the **[insert Tribe name]** will be responsible for the final processing of the project application and for initiating payments in accordance with the project funding and regulations section as described below.

Project Funding and Regulations

The Tribe is responsible for providing procedures for processing requests for advances of funds, reimbursement, refunds, and recoupments. Provide

procedures that describe how the Tribe will request advance or reimbursement and specify that the Tribe will not advance funds unless the subgrantee certifies that they have spent, or will spend within 30 days, the funds on eligible expenditures.

The Tribe 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.

Expedited Funding: Expedited 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. Tribal Applicants submit requests for expedite funding as part of the Request for Public Assistance (RPA).

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. Funding is granted at approval and the subrecipient is required to certify fund expenditures. 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 Tribal agencies having oversight of federal grants.

The **[insert Tribe name]** will verify all significant cost overrun appeals submitted on small projects by conducting a review of all approved small project applications. The **[insert Tribe name]** 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 under run) 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 Tribe 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 Tribe will be necessary. A Tribal Applicant may request an advance of funds on an approved Large Project, if approved by the **[insert Tribe name]**. The total advance for any one project will not exceed 75% of the Federal share.

The **[insert Tribe name]** will be required to refund to FEMA any obligated or advanced funding that is not supported by cost documents and/or expended for the approved scope of any Tribal Applicant's Projects.

The Tribe will disburse 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 Recipient 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-Tribe Agreement.
- It made all payments in accordance with 2 C.F.R. § 200.305.

Management Cost Projects: Funding is based upon actual costs incurred up to seven percent of the total award amount for each subrecipient. 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 Resources amounts are not included in the calculation as they are not project awards.

Improved and Alternate projects: The **[insert Tribe name]** may submit a request to FEMA for an improved or alternate project regarding any Tribal Applicant's project. Requests for improved or alternate projects should be submitted to FEMA for approval prior to starting the proposed work. The **[insert Tribe name]** 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 Tribal Applicants identify Hazard Mitigation opportunities as provided by Section 406 of the Stafford Act. Such mitigation measures are generally directly part of the

reconstructed work on a facility or 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. **[insert Tribe name]** responsibilities include but are not limited to:

- Assisting the individual Tribal departments 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 TAR.

Insurance Requirements: The **[insert Tribe name]** 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, relating to eligible costs. Reasonable efforts must be taken to recover insurance proceeds that they 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, a Tribal 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: **[insert Tribe name]** 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 the **[insert Tribe name]** as soon as possible following the total or partial de-obligation of an approved project. FEMA will also notify the **[insert Tribe name]** if FEMA has determined that a reimbursement is required. If applicable, the **[insert Tribe name]** will notify the Tribal Sub-recipient as soon as possible.

Award Monitoring and Closeout

The **[insert Tribe name]** is responsible for providing procedures for processing requests for appeal, determinations, and time extensions during the performance of the grant.

Time Limitations: The **[insert Tribe name]** 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 **[insert Tribe name]** may grant a time extension on any Tribal Applicant's project if the reason for delay is based on extenuating circumstances or unusual project requirements beyond the applicable Tribal Applicant's control. A Tribal Applicant may request a time extension on any approved project by submitting a written request to the **[insert Tribe name]** 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 **[insert Tribe name]** will notify FEMA of all time extensions that have been approved. Requests for time extensions beyond the **[insert Tribe name]**'s authority will be forwarded to FEMA in writing for determination with the **[insert Tribe name]**'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: Tribal Applicant may appeal a determination made by FEMA. Upon receipt of an appeal from a Tribal Applicant, the **[insert Tribe name]** 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 Tribal Applicant. The **[insert Tribe name]** must submit its own appeals, and any Tribal Applicant must submit its appeals to the **[insert Tribe name]**, 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 **[insert Tribe name]** on all Large Projects once the projects have been completed and the project cost summary has been submitted by the Tribal 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 Tribe name]** and each Tribal 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 **[insert Tribe name]** 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 **[insert Tribe name]** 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 **[insert Tribe name]** will notify FEMA when all eligible funds have been paid to a Subrecipient and request closeout within 180 days from the date that the Tribal Subrecipient completes each Large Project. When all Tribal Subrecipients have been closed out and all eligible funding has been reconciled, the **[insert Tribe name]** 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 Tribe 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. Tribal Subrecipient that expends \$750,000 or more in Federal funds during its fiscal year must complete a single or program-specific audit. Such Tribal Subrecipients must provide the **[insert Tribe name]** 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 **[insert Tribe name]** 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 Tribal 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 Tribal and Federal review and audit.

Financial Status Reports (SF-425/SF-425A): The **[insert Tribe 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 **[insert Tribe name]** 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 **[insert Tribe name]**. FEMA has no reporting requirements for Tribal Subrecipients, but the **[insert Tribe name]** is expected to impose some reporting requirements on the Tribal 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 **[insert Tribe name]** shall 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 **[insert Tribe name]** will amend this plan whenever necessary to reflect current policy guidelines and any new or revised Federal statutes, regulations, or a change in any tribal law, organization, policy, or tribal operation that is relevant to the administration of the Public Assistance Program. The **[insert Tribe name]** will submit for approval only the amended portions of the plan.

This document constitutes the Public Assistance Administration Plan of the **[insert Tribe name]** of **[insert city name, 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 Tribe name]** in the form approved.

Submitted for Approval:

[insert first and last name]
MM/DD/YYYY
Chief Executive or TAR

[insert date -

DRAFT