

Place on tribal letterhead.

ADMINISTRATIVE PLAN FOR PUBLIC ASSISTANCE
[DISASTER NUMBER or “ANNUAL SUBMISSION FOR THE PERIOD JANUARY 1,
20XX – DECEMBER 31, 20XX”]
[TRIBE NAME]

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I. PURPOSE

The purpose of this plan is to identify the roles and responsibilities of the [TRIBE NAME AND ADDRESS] in administering the Federal Emergency Management Agency Public Assistance Program (PA Program or “the 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 [TRIBE NAME]

II. AUTHORITY

A. [TRIBE NAME] (as applicable – this statement to be removed once updated)

- 1. [TRIBE NAME] Tribal Constitution and Bylaws
- 2. [TRIBE NAME] Tribal Emergency Operations Plan
- 3. [TRIBE NAME] Reservation Forest Management Plan
- 4. [TRIBE NAME] Tribal Procurement Policy and Code of Conduct
- 5. [TRIBE NAME] Tribal Code, Ordinance, Statute or other Tribal Law. Examples:
Title 35, Riparian Protection and Surface Mining Practices Ordinance.

6. Title 49 of the [TRIBE NAME] Law & Order Code (Solid Waste Management), and other applicable provisions of Tribal Law

B. Federal

1. Stafford Act, P.L. 93-288, codified as amended, 42 U.S.C. 5121 et seq.
2. FEMA Regulation, 44 CFR Part 206
3. FEMA Regulation, 44 CFR Part 207
4. FEMA Regulation, 2 CFR Part 200 and 3002, Uniform Administrative Requirement, Cost Principles, and Audit Requirement for Federal Awards
5. 44 CFR Part 9, Floodplain Management and Protection of Wetlands
6. 44 CFR Part 11, Claims
7. 44 CFR Subchapter B, Insurance and Hazard Mitigation National Eligibility Criteria
8. Executive Order 12612, Federalism
9. Executive Order 13175- Consultation and Coordination with Indian Tribal Governments
10. Public Assistance Program and Policy Guide (PAPPG), 2018
11. Public Assistance Policy on Insurance, 2015
12. Tribal Declarations Pilot Guidance (TDPG), 2017
13. 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
14. DHS Directive 023-01-01, Implementation of the National Environmental Policy Act

III. TERMS

A. Definitions

1. **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.

2. **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.
3. **Tribal Applicant:** The [TRIBE NAME] and any sub-recipient tribal agency or other legal entity that receives an award and which is accountable to the [TRIBE NAME] (Recipient) for the use of the funds provided.
4. **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.
5. **[TRIBE NAME] (Recipient):** The [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.
6. **Grants Portal/Grants Manager:** FEMA program delivery model which is a web-based, project tracking system for use by FEMA, recipients, and subrecipients.
7. **Application Period:** The thirty (30) day period following the declaration of disaster in which the damage was located, during which the [TRIBE NAME]'s Tribal Authorized Representative (TAR) submits a completed Request for Public Assistance (RPA) form to the FEMA Regional Administrator
8. **Project Worksheet:** A tool used by the Applicant and FEMA to develop projects. The Project Worksheet (FEMA Form 90-91) is the primary form used to document the location, damage description and dimensions, scope of work, and cost estimate for each project.
9. **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 Worksheet.

10. **Tribal Chairman**: The Chairman is the [Commander in Chief or other name as appropriate] in the event of a State of Emergency declaration and Spokesperson for the [TRIBE NAME].
11. **Tribal Authorized Representative (TAR)**: The person who is empowered by the Chief Executive to execute on behalf of the [TRIBE NAME], all necessary documents for disaster assistance. The Chief Executive may appoint an Alternate TAR (ATAR) who is similarly empowered (see IV(B)(c)(1-3) below).
12. **Federal Assistance**: As a federally recognized Indian tribe, the [TRIBE NAME] receives aid from the Federal Government pursuant to Federal statutory authorities.
13. **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.
14. **School Districts**: The (name) School District is the only school district to occupy (edit as appropriate) the [TRIBE NAME] Indian Reservation.
15. **Educational Institutions**: Any Pre-School, Head Start or Early Childhood Education, Elementary Schools, High Schools, Continuation Schools and Higher Education as defined in the (State name) Education Code.
16. **Educational Facilities**: Any facility that supports the mission of the educational institution.
17. **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.
18. **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.
19. **Hazard Mitigation**: Any cost-effective measure that will reduce the potential for damage to a facility from a similar disaster event.
20. **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.

21. **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.
22. **Alternate Project**: Refers to when the [TRIBE NAME] determines it not to be in the best interest of the [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.
23. **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.
24. **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.
25. **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.
26. **Standards**: Codes, specifications or standards required for the construction of facilities.
27. **Special Considerations**: Issues that involve insurance, floodplain management, Hazard Mitigation, environmental and historic preservation reviews as they relate to Public Assistance Program funding.

B. Acronyms

1. **ATAR**: Alternate Tribal Authorized Representative
2. **CFR**: Code of Federal Regulations
3. **FEMA**: Federal Emergency Management Agency
4. **FTA**: FEMA-Tribe Agreement
5. **EHAD**: Environmental and Historic Preservation Advisor
6. **EHP**: Environmental and Historic Preservation
7. **JFO**: Joint Field Office
8. **NFIP**: National Flood Insurance Program
9. **PA**: Public Assistance

10. **PAGS**: Public Assistance Group Supervisor
11. **PAPPG**: Public Assistance Program and Policy Guide
12. **PDA**: Preliminary Damage Assessment
13. **PDMG**: Public Assistance Program Delivery Manager
14. **PW**: Project Worksheet
15. **RA**: Regional Administrator
16. **RPA**: Request for Public Assistance
17. **SFHA**: Special Flood Hazard Area
18. **TAR**: Tribal Authorized Representative
19. **TCO**: Tribal Coordinating Officer
20. **TDPG**: Tribal Declarations Pilot Guidance

IV. **TRIBAL ROLES AND RESPONSIBILITIES**

A. **General**

The [TRIBE NAME] has designated (name), (title) (TAR) and (name), (title) (Alternate TAR) as the officers responsible for managing and administering the Program. These responsibilities include, but are not limited to:

1. The TAR will submit a staffing plan following the signing of the FEMA Tribe Agreement;
2. The TAR and Alternate TAR will be the minimum staffing required to administer the Federal Grant;
3. The TAR will assume initial responsibilities for Public Assistance activities upon the Federal declaration of an emergency or disaster;
4. Notifying potential Tribal Subrecipients;
5. Conducting Tribal Subrecipients' Briefings;
6. Requesting Immediate Needs Funding on behalf of the Tribal Subrecipients;
7. Attending Recovery Scoping Meetings;
8. Assigning a Tribal Applicant Liaison to work with the FEMA Public Assistance Program Delivery Manager (PDMG);
9. 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.
10. Assisting FEMA in determining work and Tribal Applicant eligibility;

11. Processing requests for appeals and approval of time extensions, cost overruns, improved projects, advances and reimbursements;
12. Making recommendations to FEMA on appeals and alternate project requests;
13. Complying with administrative requirements of 44 CFR, Part 206 and the audit requirements of 2 CFR.
14. Securing insurance information from Tribal Subrecipients when required;
15. Participating with FEMA in establishing Hazard Mitigation and insurance requirements;
16. Reviewing and certifying project completion information;
17. Conducting quarterly reviews, site inspections and audits, as required ensuring program compliance;
18. Reporting to FEMA on a quarterly basis the financial status of PA grant and progress information per FEMA requirement; and
19. Determining budget and staffing requirements necessary for proper program management.

B. Administrative Staff

1. **Tribal Coordinating Officer (TCO)**: The person designated by the [TRIBE NAME] to coordinate local disaster assistance efforts with that of the Federal government. The TCO will also be designated as the TAR.
2. **The TAR will:**
 - a. Execute all necessary documents on behalf of the [TRIBE NAME];
 - b. Review and Recommend Project Worksheets (PW's), prior to submittal to their submittal for approval from their Public Assistance Coordinator;
 - c. Coordinate and provide personnel for PDA, Applicant Briefing, Kick-Off Meeting, Project formulation and final inspection activities;
 - d. Organize documentation and record keeping in compliance with pre-award and post award requirements;
 - e. Supervise the Planning and writing of the Mitigation and Floodplain Plan in accordance with the Stafford act and FEMA regulations;
 - f. Coordinate with the Regional Administrator to determine the extent of the [TRIBE NAME]'s Insurance;

- g. Initiate actions and make recommendations, as authorized by [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;
- h. Ensure Tribal conformity with administrative and fiscal control and accounting requirements of 44 CFR part 206 and 2 CFR parts 200 and 3002.
- i. Coordinate with the Tribal Fiscal Officer to ensure compliance with 2 CFR parts 200 and 3002.
- j. Process requests for cash advance or reimbursements in accordance with the FEMA Tribe Agreement, federal regulatory requirements and [TRIBE NAME] current accounting practices;
- k. Submit all copies of audits and reports to, as required by 2 CFR 200, to the FEMA Office of the Inspector General;
- l. Process Final Claims for submittal to the Regional Administrator with requests for final payment;
- m. Submit Final Project closure documents to the Regional Administrator to terminate the FEMA Tribe Agreement when all work has been completed;
- n. Coordinate and assign Tribal inspectors to FEMA teams for preparation of Large Project PW's and for Tribal preparation of small project PW's;
- o. Represent the [TRIBE NAME] on the project formulation team, assist in the preparation of Large and Small project PW's, provide technical assistance to the [TRIBE NAME] and make eligibility recommendations for restorative work;
- p. Act as a first level review for completed PW's; and
- q. 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).

3. The Alternate TAR (ATAR) will:

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

V. ADMINISTRATION AND SUPPORT

A. **Administrative Support Staff**: Since staffing requirements vary depending on the magnitude, type, and extent of the disaster, the following personnel may be used to assist the TAR/TCO in meeting program administrative requirements.

1. **Tribal Clerical Staff will**:

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

2. **Tribal Fiscal Officer will**:

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

3. **Office of (Tribal Attorney/Attorney General or other name as appropriate) will**:

- a. Provide the [TRIBE NAME] with legal advice as necessary;
- b. Review all contracts related to Public Assistance repairs; and
- c. Perform other administrative duties as assigned.

4. **Tribal Entities and their Managers/Directors will**:

- a. Complete Preliminary Damage Assessments (PDA);

- b. Prepare and collect all information necessary to develop Project Worksheets;
- c. Provide technical assistance to FEMA regarding department specific projects;
and
- d. Attend all meetings regarding the restoration projects.

5. Tribal Insurance Officer will:

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

6. Other Departments/Entities:

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

B. Staff Funding: The [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.

VI. DIRECTION AND CONTROL

A. Post Declaration Activities

- 1. Notifying Potential Tribal Subrecipients:** The [TRIBE NAME] will notify potential Tribal Subrecipients of the assistance that is available and the time and date of the Tribal Subrecipients' Briefing which will be held in their area. The [TRIBE NAME] may determine that a separate Tribal Subrecipients' Briefing on Tribal land is not necessary. Tribal Subrecipients may attend a Tribal Subrecipients' Briefing, or a Subrecipients' briefing held by the State, if more convenient.
- 2. Request for Public Assistance (Request):** The [TRIBE NAME] must forward a Request for Public Assistance (FEMA Form 90-49) 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 [TRIBE NAME] may request that the deadline for filing Requests be extended.

3. **Tribal Applicant Eligibility:** The [TRIBE NAME] will assist FEMA in screening all potential Tribal Subrecipients for eligibility.

B. Recovery Scoping Meeting

A Recovery Scoping Meeting will be scheduled following the Tribal Subrecipients' Briefing to provide Tribal Subrecipients with specific information required to meet particular requirements of the Program. At this time the Tribal Subrecipients will be advised of record keeping requirements, cost estimating procedures will be reviewed, and Special Considerations, project formulation and the project validation process will be explained.

C. Project Worksheet (PW) Preparation

1. Depending on the size and nature of the disaster, the [TRIBE NAME] may choose to participate at various levels in the Public Assistance process. The varied levels of involvement may include:
 - a. Assisting FEMA and/or any Tribal Subrecipients in inspecting damaged sites, documenting the damage description and dimensions, and developing scopes of work and cost estimates.
 - b. Participating in the project validation process.
 - c. Providing tribal support as needed (personnel to assist Tribal Subrecipients with highly technical projects and/or to resolve disputes, etc.).
2. The [TRIBE NAME] will prepare PWs for Small Projects.
3. The [TRIBE NAME] is responsible for identifying projects that are anticipated to be Large Projects.
4. The [TRIBE NAME] will ensure compliance with, insurance coverage, floodplain management requirements, identify Hazard Mitigation opportunities, and obtain all required EHP permits.
5. The [TRIBE NAME] will report any additional damage that is not previously identified to the PDMG within 60 days of the initial inspection. If warranted, the [TRIBE NAME] may request an extension of time in order to report additional damage.
6. The [TRIBE NAME] will notify FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.

7. The [TRIBE NAME] will assist FEMA and any Tribal Subrecipients in identifying 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. In that program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities or even non-structural measures such as development of floodplain management regulations.
8. The [TRIBE NAME]'s Administrative Staff as well as the Administrative Support Staff shall assist the individual Tribal departments in developing and submitting 406 Hazard Mitigation project proposals to FEMA for review.
9. In coordination with FEMA, the [TRIBE NAME] will provide information as to the Technical Feasibility, environmental and historic preservation compliance as well as the cost effectiveness of proposed Hazard Mitigation projects.
10. Each Tribal department proposing any hazard mitigation will complete a FEMA approved benefit/cost analysis.
11. The TAR will coordinate the request for FEMA approval.
12. The [TRIBE NAME] requests approval of all Hazard Mitigation projects in writing.
13. FEMA approval letter shall be attached to PW and the scope of work shall clearly identify the mitigation work.

D. Public Assistance Administration

1. **Grant Approval:** The [TRIBE NAME] will submit an "Application for Federal Assistance" (SF 424), and "Assurances for Construction" Programs (SF 424D), to FEMA in order to receive Federal funding. Approved PWs will be the basis for issuing the grant and any sub grants, if applicable, in accordance with the cost sharing provisions established in the FTA.
2. **Project Application:** Once PWs are approved by FEMA, the [TRIBE NAME] will be responsible for the final processing of the PW and for initiating payments in accordance with section 3 below.
3. **Project Funding:**

- a. **Small Projects** - Funding for Small Projects will be based on the federal share of the PW estimate. The [TRIBE NAME] will disburse funds for small projects after FEMA approves and obligates the PWs.
 - b. **Large Projects** - Funding for Large Projects will equal the federal share of the actual eligible cost as verified through a review of the project's cost documents. Approved funding will be obligated to the [TRIBE NAME] following FEMA's approval of the PW.
 - c. **Advance of Funds** – A Tribal Applicant may request an advance of funds on an approved Large Project PW, if approved by the [TRIBE NAME]. The total advance for any one PW will not exceed 75% of the Federal share.
 - d. The [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 PW.
4. **Insurance Requirements:** The [TRIBENAME] shall participate with FEMA in establishing insurance requirements. 44 CFR, Part 206, Subpart I, establishes insurances 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:
- a. Eligible costs shall be reduced by the amount of any insurance recovery actually 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 PAPPG and Public Assistance Policy on Insurance.
 - b. For properties located within a Special Flood Hazard Area (SFHA), FEMA may reduce Public Assistance funding when the facility is located in a SFHA where FEMA has identified the area as a SFHA for more than one year; damaged by flood; uninsured for flood; or has inadequate flood insurance. The full coverage available under the standard flood insurance policy from the National Flood Insurance Program (NFIP) will be subtracted from otherwise eligible costs for an insurable building and its contents within the special flood hazard area.
 - c. 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.
 - d. Assistance will not be provided under Section 406 of the Stafford Act for any facility for which assistance was provided as a result of a previous major

disaster unless all insurance required by FEMA as a condition of previous assistance has been obtained and maintained. Not even the deductible amount, or damages in excess of the NFIP limits, or for flood damaged items not covered by standard NFIP policy will be eligible.

5. **EHP Compliance Requirements:** The [TRIBE NAME] will comply with EHP conditions that are associated with a grant. Non-compliance with EHP conditions may jeopardize FEMA funding.

E. Tribal Insurance Procedures

1. Department Manager or Supervisor Completes the report of damaged property/theft form.
2. Tribal Police/ Highway Patrol/ Local Sheriff's Office take the report and investigate. This shall be submitted with claim form.
3. Obtain a copy of the police report, original invoices, and replacement costs and submit to our Third-Party Administrator for processing.
4. If possible/necessary third-party liability will be investigated and determined to re-coop any of our losses if necessary.
5. All claims up to \$100,000 are paid by the tribe through our third-party administrator.
6. Any amount over the \$100,000 will be submitted to our reinsurance carrier.

Please refer to Part V. ADMINISTRATION AND SUPPORT section "e. Insurance Officer"

- F. **Reimbursement of Federal Funds:** FEMA will notify the [TRIBE NAME] as soon as possible following the total or partial de-obligation of an approved PW. FEMA will also notify the [TRIBE NAME] if FEMA has determined that a reimbursement is required. If applicable, the [TRIBE NAME] will notify the sub-recipient as soon as possible.

G. Funding Options

1. **Improved projects:** The [TRIBE NAME] is authorized to make a determination on any Tribal Applicant's request to conduct an improved project. Improved project requests must be submitted to FEMA prior to starting the improved portion of the proposed work. If approved, funding will be limited to the Federal share of the approved PW amount. Such requests must be coordinated with FEMA to ensure compliance with national historical and environmental laws. This request should contain:
 - a. The Reason for requesting an improved project.
 - b. A description of the proposed work.

- c. A schedule of work.
 - d. A cost estimate.
 - e. Information adequate to establish compliance with special requirements, including, but not limited to, floodplain management, environmental assessment, Hazard Mitigation, protection of wetlands, endangered species, and insurance.
2. **Alternate projects:** The [TRIBE NAME] may submit a request to FEMA for an alternate project regarding any Tribal Applicant's project. Requests for alternate projects should be submitted to FEMA for approval prior to starting the proposed work. The [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:
- a. The reason for requesting an alternate project
 - b. A description of the proposed work
 - c. A schedule of work
 - d. A cost estimate
 - e. Necessary assurances to document compliance with special requirements, including but not limited to, insurance floodplain management, historic preservation, Hazard Mitigation, protection of wetlands, endangered species, and other relevant environmental compliance requirements.
3. **Time Limitations:** The [TRIBE NAME] will ensure that approved work is completed within the following time frames from the date a major disaster or emergency is declared:
- a. Emergency Work = 6 months
 - b. Permanent Work = 18 months
4. **Time Extensions:** The [TRIBE NAME] may grant a time extension on any Tribal Subrecipients' 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 PW by submitting a written request to the [TRIBE NAME] prior to the completion date currently in effect. The additional time requested may not exceed the following time frames:
- a. Emergency Work = 6 months
 - b. Permanent Work = 30 months

The [TRIBE NAME] will notify FEMA of all time extensions that have been approved. Requests for time extensions beyond the [TRIBE NAME]'s authority will be forwarded to FEMA in writing for determination with the [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.

5. **Tribal Departments** and their Managers are responsible for the following:

- a. Project Management.
- b. Weekly Project logs will be kept to determine progress.
- c. Submitting formal requests for project extensions 60 days prior to deadline.
- d. Justification for extension must be included.

6. **Project Completion**

- a. Upon completion of a Large Project, the [TRIBE NAME] will conduct a review of each project's cost summary (a listing of all labor, equipment, materials and contract costs associated with making needed repairs) to verify the actual project cost. If a Large Project was 100 percent complete at the time the PW was prepared, the eligible cost was based on actual cost information and no additional funding is claimed, no further review by the [TRIBE NAME] will be necessary.
- b. If an approved project is not completed, the [TRIBE NAME] will be required to return the federal funding that was provided for that project.

7. **Cost Overruns**

- a. Small Projects: The [TRIBE NAME] will verify all significant cost overrun appeals submitted on Small Projects by conducting a review of all approved Small Project PWs. The [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.
- b. Large Projects: Each Tribal Applicant must evaluate each cost overrun and, when justified, submit a request for additional funding to the RA, through the [TRIBE NAME], for a final determination. All requests for the RA's approval will contain enough documentation to support the eligibility of all claimed work and

costs. The [TRIBE NAME] shall include a written recommendation when forwarding each request. The RA will notify the [TRIBE NAME] in writing of the final determination.

- 8. Disputes/Conflict Resolution:** In order to expedite funding and minimize Tribal Subrecipient appeals, the following conflict resolution process should be followed:

 - a.** If a Tribal Subrecipient Liaison has been assigned, the Tribal Recipient should notify this individual of the unresolved issue.
 - b.** The Tribal Applicant Liaison should work to resolve the issue with the PDMG. If the issue remains unresolved, the Tribal Applicant Liaison should notify the Tribal PAGS.
 - c.** The Tribal PAGS should work to resolve the issue with the PAGS.
 - d.** Only after all these steps have been taken will the Tribal Applicant be referred to the appeal process.
- 9. Appeals:** Any Tribal Subrecipient may appeal a determination made by FEMA. Upon receipt of an appeal from a Tribal Applicant, the [TRIBE NAME] will review the material submitted, make such additional investigations as necessary, and will forward the appeal with a written recommendation to FEMA within 60 days of receiving the appeal from the Tribal Subrecipient. The [TRIBE NAME] must submit its own appeals, and any sub-recipient Tribal Applicant must submit its appeals to the [TRIBAL NAME], within 60 days from the date of written notice of the determination being appealed. Appeals regarding Net Small Project Overruns must be submitted 60 days from the date the last Small Project was completed.
- 10. Final Inspection:** A final inspection and/or audit will be conducted by the [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 PW 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 those projects of a technical nature, a qualified member of the applicable Tribal agency to which the project pertains 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.
- 11. Audit Requirement:** Audit requirements will be in accordance with or 2 CFR 200, 3002 as appropriate.

 - a.** A review of all Large Projects (and all Small Projects with significant cost overruns) will be conducted by the [TRIBE NAME] once those projects are

completed. Tribal Subrecipients expending \$750,000 or more in total Federal financial assistance in a fiscal year will be required to have an audit made in accordance with the 2 CFR Subpart F. Such Tribal Subrecipients must provide the [TRIBE NAME] with a copy of the Single Audit.

- b. FEMA may elect to conduct a Federal audit of the disaster assistance grant or any of the sub grants.

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

13. Subpart D of 2 CFR Post Federal Award Requirements states that a pass-through entity shall perform the following for the Federal awards it makes:

- a. Identify Federal awards made by informing each sub-recipient of the Catalog of Federal Domestic Assistance (CFDA) title and number, award name and number, award year, if the award is and name of Federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the Federal award.
- b. Advise sub-recipients of requirements imposed on them by Federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.
- c. Monitor the activities of sub-recipients as necessary to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- d. Ensure that sub recipients meet the audit requirements of this part for that fiscal year.
- e. Issue a management decision on audit findings within six months after receipt of the sub-recipient's audit report and ensure that the sub recipient takes appropriate and timely corrective action.
- f. Consider whether sub-recipient's audits necessitate adjustment of the pass-through entity's own records.
- g. Require each sub-recipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

14. General Administrative Requirements: The [TRIBE NAME] is responsible for developing and implementing procedures to ensure compliance with all administrative requirements of 44 CFR, Part 206 and 2 CFR 200 Subparts B through D. Those procedures must be documented in this Plan or referenced in and attached to this Plan. The [TRIBE NAME] “must monitor grant and sub grant supported activities to assure compliance with applicable Federal requirements.” The [TRIBE NAME] also shall ensure “that sub-recipients are aware of requirements imposed upon them by Federal statute and regulation.” Tribal procedures documented in this Plan or referenced and attached to this Plan include, but are not limited to, those addressing the following sections of 2 CFR 200, procedures must describe how the [TRIBE NAME] will ensure compliance and how the [TRIBE NAME] will ensure that sub-recipients comply):

- a. **Standards** for financial management systems.
- b. **Payment.** [Emphasize procedures for minimizing the time elapsing between the transfer and disbursement of Federal funds and the payment of interest earned on advances. For example, some states over fund federal share to sub-recipients to delay payment of state share. Not paying interest on excessive draw downs is an incentive to delay sub-recipient closeouts]
- c. **Allowable costs.** [Emphasize procedures on advising and monitoring sub-recipients on allowable costs. For example, a sub-recipient agreement could contain assurances about following applicable criteria.].
- d. **Period of availability of funds.**
- e. **Matching or cost sharing.**
- f. **Program income.**
- g. **Non-Federal audit.**
- h. **Changes.**
- i. **Real property.**
- j. **Equipment.**
- k. **Supplies.**
- l. **Copyrights.**
- m. **Sub awards to debarred and suspended parties.**
- n. **Procurement**

All procurement must meet the requirements of 2 CFR 200.317 through 200.332, regardless of state, Tribal and local emergency provisions to be eligible for federal assistance.

[Sub-recipients often do not comply with this section. Therefore, procedures should emphasize how the [TRIBE NAME] will advise sub-recipients of

procurement rules and regulations immediately after a disaster or emergency occurs and how the [TRIBE NAME] will ensure sub-recipients comply. For example, except for small purchases, the [TRIBE NAME] should prohibit sub-recipients from using non-competitive, time-and-material-type contracts after the first 3 days following the occurrence of a disaster or emergency.]

o. Subgrants

p. Monitoring and reporting program performance. [To ensure quarterly progress reports to FEMA are timely, accurate, and complete, procedures should emphasize how the [TRIBE NAME] will obtain timely and accurate quarterly information from sub-recipients on the status of every open Large Project.]

q. Financial reporting. [Procedures should ensure that quarterly Financial Status Reports are reconciled to the [TRIBE NAME]'s accounting records and contain complete information on both the Federal and non-federal funds authorized, obligated, and expended.]

r. Retention and access requirements for records.

H. Records and Reports

1. **Progress Reports:** The [TRIBE NAME] will submit a quarterly progress report to FEMA, which will contain the 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 [TRIBE NAME]. FEMA has no reporting requirements for Tribal Subrecipients, but the [TRIBE NAME] is expected to impose some reporting requirements on Tribal Subrecipients so that it can prepare quarterly reports. This information will be a key element in identifying Large Project cost overruns.
2. **Closeout:** The [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 [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 [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 [TRIBE NAME] will notify FEMA when all eligible funds have been paid to a Tribal Applicant and request Tribal Applicant closeout within 180 days from the date that the Applicant completes each Large Project. When all Tribal

Subrecipients have been closed out and all eligible funding has been reconciled, the [TRIBE NAME] will request that FEMA close the Public Assistance Program for that disaster.

3. The closeout of a grant does not affect:
 - a. FEMA's right to disallow costs and recover funds on the basis of a later audit or other review;
 - b. The [TRIBE NAME]'s obligation to return any funds due as a result of later refunds, corrections, or other transactions;
 - c. Records retention as required by 2 CFR, section 200.333;
 - d. Property management requirements in 44 CFR, section 200.344
 - e. Audit requirements in 2 CFR, part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - f. Financial Status Report (SF 425)/SF 425A) - The [TRIBE NAME] shall submit the financial reports to the FEMA regional office 30 days after the end of the first federal quarter following the initial grant award. Financial Reports will be submitted to FEMA at least quarterly thereafter. Reports are due January 30, April 30, July 30 and October 30.
 - g. Project Documentation (Record Retention) – All Tribal Subrecipients will be required to keep complete records of all work (i.e. receipts, checks, job orders, contracts, equipment usage documentation and payroll information) funded under the Program for three years from the date that that Tribal Applicant is closed out. During this three-year period, all approved PWs are subject to Tribal and Federal audit/review.

VII. DEVELOPMENT AND MAINTENANCE

The [TRIBE NAME] shall submit a revised plan annually and for each disaster for which Public Assistance is included. Revisions will be forwarded to the FEMA Regional Administrator for approval.

The [TRIBE NAME] will amend this plan whenever necessary to reflect current policy guidelines and any new or revised Federal statutes or regulations or a material change in any tribal law, organization, policy, or tribal agency operation that is relevant to the administration of the PA program. The [TRIBE NAME] will obtain approval for the plan amendment and its effective date but need submit for approval only the amended portions of the plan.

Submitted for Approval:

The attached Plan constitutes the Public Assistance Administration Plan of the [TRIBE NAME] of [City, State], which is submitted for approval in accordance with 44 CFR § 206.207. The Plan will be incorporated into the emergency plan of the [TRIBE NAME] in the form approved.

[First and Last Name],
Chief Executive (other name as appropriate)
[TRIBE NAME]

Date