




DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

TO: Alex Goodenough, Office of Information and Regulatory Affairs

FROM: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency and Records 

SUBJECT: Justification for Emergency Processing: CARES Act Coronavirus Relief Fund – Alaskan Native Corporations Recipient Payment Information Form

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, Treasury requests that the following collection of information regarding the Coronavirus Relief Fund be processed in accordance with section 1320.13 Emergency Processing. Treasury has determined that this information must be collected prior to the expiration of time periods established under Part 1320, and that this information is essential to the Treasury's ability to effectively implement the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136), addressing the economic disruption stemming from the posed by the Novel (new) Coronavirus (COVID-19).

The CARES Act established the Coronavirus Relief Fund, which provides \$150 billion in direct assistance for domestic governments. The CARES Act allocates \$8 billion to Tribal governments.

The CARES Act provides that not later than 30 days after March 27, 2020, the Treasury shall pay each State and Tribal government and eligible local government. Treasury has not been permitted to make payments to Tribal governments that are Alaska Native Corporations (ANCs) while litigation regarding their eligibility for payment was pending. This litigation was resolved by the Supreme Court's ruling on June 25, 2021, in *Yellen v. Confederated Tribes of the Chehalis Reservation*, that ANCs are included as Tribal governments for purposes of the Coronavirus Relief Fund.

Treasury requires the ability to collect payment information from ANCs in order to expedite payments so that ANCs may use the funds to respond to the public health emergency.

Given the short timeframe for implementing the new legislation, Treasury is unable to consult with the public prior to issuing the forms; however, Treasury has ample experience designing other similar forms in a way that is clear and minimizes burden, and a similar form was approved previously under 1505-0264. Treasury requests approval of the submission by July 6, 2021. Given the inability to seek public comment during such a short timeframe, Treasury requests a waiver from the requirement to publish notice in the Federal Register seeking public comment during the period of OMB review.