

U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

September 24, 2021

Susan Minson
SBA Desk Officer
Office of Management and Budget

Dear Ms. Minson:

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, SBA requests OMB review of this new collection of information that is required for recipients of the Restaurant Revitalization Fund (RRF) to close out their reporting requirements to SBA.

Section 5003(c)(6) of the ARP Act requires recipients to return to the Treasury any funds that the recipient did not use for allowable expenses by the end of the covered period, or if the recipient permanently ceased operations, not later than March 11, 2023. To address the requirement in Section 5003(c)(6) of the ARP Act, SBA requires RRF recipients to submit post award reports to confirm that funds are used fully and in accordance with program requirements.

Many recipients have used fully all RRF funds and are awaiting instructions on providing the post award report. Some recipients have not been able to sell or transfer their businesses out of concern that they will be forced to return funds to the Treasury because they have not submitted the report prior to the business transfer. SBA receives many urgent requests from RRF recipient business owners to provide the method by which they can report, with some business owners stating the buyer is unwilling to consummate the transaction due to potential liability, thereby resulting in public harm.

Further, the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information required in Section 5003(c)(6) because recipients may proceed to close or sell the business without making the required report because SBA has not provided a method to report.

For the reasons stated above, SBA is requesting emergency processing, including a request for waiver of the requirement to publish the 60-day and 30-day public comment notices in the Federal Register.

In order to facilitate these reporting requirements, SBA has created SBA Form 3173, "Restaurant Revitalization Fund Program Post Award Report." The form creates the method by which recipients may report the full use of the funds and the eligible expense categories for which the funds were used.

This is the basis for SBA's request for emergency review of this information collection. SBA requests approval of this form by September 29, 2021. If this request for emergency processing is approved, SBA will subsequently take the necessary steps to comply with the notice requirements. SBA appreciates your prompt attention to this matter and looks forward to receiving your emergency approval.

Sincerely,

Dianna L. Seaborn

Dianna L. Seaborn
Director
Office of Financial Assistance