

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.



**TO:** Dominic Mancini, Deputy Administrator, Office of Information and Regulatory Affairs

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

**SUBJECT:** Justification for Emergency Processing: Updating Collection 1505-XXXX - Coronavirus Capital Projects Fund Compliance and Reporting.

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 C.F.R. § 1320.13, the Department of the Treasury (Treasury) requests emergency processing for a Coronavirus Capital Projects Fund (CPF) information collection, including issuance of a new OMB Control Number.

The CPF was established as an emergency measure by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (ARPA) Pub. L. No. 117-2. ARPA appropriated \$10 billion to the Department of the Treasury (Treasury) to provide grant payments to states, territories, freely associated states, and Tribal governments “to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19)”.

Treasury is seeking approval for the CPF Project and Expenditures Report and Performance Report forms, as described in the accompanying Compliance and Reporting Guidance document. These forms will be used by an estimated 59 recipients to report on their use of CPF grant award funding and meet their reporting and compliance requirements.

The Project and Expenditure Report will be submitted approximately once per quarter for the duration of the grant period of performance, and the Performance Report will be submitted approximately once annually for the duration of the grant period of performance. This information collection is necessary for Treasury to assess recipients’ use of funds and compliance with statutory aims and program guidelines. Both forms will be submitted using Treasury’s web-based portal. Recipients are expected to use CPF grant funds to, among other things, directly address connectivity shortfalls exacerbated by the pandemic which make it challenging for some communities to access work, education, and health monitoring services. Treasury has already begun awarding CPF funds and making payments to recipients. These recipients must receive sufficient information about their reporting requirements in advance of the first reporting deadline of October 31, 2022.

Treasury cannot reasonably comply with the normal clearance procedures under 5 CFR 1320.13(a)(2) because of the time constraints facing the program. This information collection meets the criteria under 44 U.S.C. § 3507(j), which allows OMB to authorize a collection of information under certain circumstances that apply to our request.

**1. This collection of information is needed prior to the expiration of time periods established under 44 U.S.C. § 3501 et seq; and is essential to Treasury’s mission.**

Treasury has determined that Project and Expenditure Reports will be due on a quarterly basis. Collecting these reports is essential to Treasury’s mission as a steward of taxpayer dollars. Treasury is responsible for effectively monitoring recipient compliance with CPF program requirements and ensuring CPF funds are spent as intended.

Therefore, Treasury needs to begin accepting the first reports on September 30, 2022. This deadline is imminent. Treasury cannot meet this proposed timeframe if it applies the normal non-emergency clearance and public comment time periods.

Following OIRA/PRA approval, and prior September 30<sup>th</sup>, Treasury will (1) finalize data fields with internal and external stakeholders, ensuring that the data fields align with data fields collected by other agencies; (2) create a data model and then develop and test the online reporting portal based on that model; and (3) inform recipients of their reporting obligations far enough in advance to provide sufficient time for them to gather data and design their reporting and compliance systems to meet those requirements.

If the compliance reports are not approved expeditiously, Treasury will be unable to verify that the funds are being spent in accordance with the recipients’ agreements, and will delay Treasury’s ability to take corrective actions. Additionally, emergency approval will allow Treasury to provide stakeholders with sufficient time to prepare for their reporting obligations.

**2. Treasury cannot reasonably comply with the provisions 44 U.S.C. § 3501 et seq. because the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information.**

The CPF program was established as an emergency measure, and Treasury was tasked with implementing the program as quickly as possible with finite staffing resources that are shared by all ARPA-financed Treasury programs to establish and document reporting requirements and develop IT systems. A 60-day public comment period would prevent initial reporting on September 30, in part, because recipients would have insufficient notice of reporting requirements, and also because time is needed to complete the activities described below. Treasury, provided a 15-day public comment period, which was assessed to be the longest possible time without needing to postpone reporting deadlines and delay the collection of information from recipients designed to ensure compliance with CPF program requirements.

We now request emergency processing and approval of this data collection which sets forth substantially all of the reporting requirements for state, territory, and freely associated state recipients. As we discussed during recent meetings with your team, we request a waiver from normal public comment procedures, and Treasury has instead: (i) published a notice in the Federal Register seeking public comment for a 15-day period; (ii) solicited comments from the affected 59 recipients via e-mail; and (iii) posted a link to the Federal Register notice on the CPF

website along with instructions explaining how to submit comments. Treasury considered timely public comments received during the 15-day public comment period, and will continue to engage with stakeholders to receive and process any additional feedback when it is reasonable to do so. Treasury has assessed that these constitute all practicable steps to consult with interested agencies and members of the public, in accordance with 5 C.F.R. 1320.13(c).

Treasury appreciates the accommodations that you and your staff have extended to us.