



**DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.**

TO: Alex Goodenough, Office of Information and Regulatory Affairs

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

SUBJECT: Justification for Emergency Processing: Local Assistance and Tribal Consistency Fund Program

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 the Local Assistance and Tribal Consistency Fund information collection request.

On March 11, 2021, the President signed the American Rescue Plan Act of 2021 (the Act), Pub. L. No. 117-2. Section 605 of the Social Security Act, as added by section 9901 of the Act, established the Local Assistance and Tribal Consistency Fund (LATCF), which appropriates \$2 billion in total funding across fiscal years 2022 and 2023 to Treasury to make payments to eligible Tribal governments and eligible revenue sharing counties. Specifically, for each of fiscal years 2022 and 2023, Treasury shall reserve \$250 million of the total amount appropriated to allocate and pay to eligible Tribal governments. These governments may use the funds for any governmental purpose except for a lobbying activity.

Treasury hosted three Tribal Consultations (on February 8, 9 and 10, 2022), feedback from which has deeply informed our approach to program design. Treasury has also received written comments from Tribal stakeholders and has continuously engaged with Tribal governments on this program through the dedicated Office of Recovery Programs' Tribal policy and engagement team. Through these engagements, Treasury has learned that Tribal governments have an urgent need for this funding, and given resource constraints, sometimes require additional time and one-on-one outreach by Treasury to navigate the funding request process.

Due to the statutory deadlines and Tribal resource constraints, Treasury requested and received emergency processing for the Recipient Payment Information Form (for Eligible Tribal Governments) and the records retention and access requirement (for Eligible Tribal Governments) by June 27, 2022. Treasury is now requesting emergency processing of the Certification Regarding Economic Conditions (for Eligible Tribal Governments) by July 11, 2022. Given the inability to seek public comment during such a short timeframe, Treasury further requests a waiver from the requirement to publish notice in the Federal Register seeking public comment.