



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

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

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

DATE: September 6, 2022

SUBJECT: Justification for Emergency Processing: Local Assistance and Tribal Consistency Fund Program (Eligible Revenue Sharing Counties)

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 (LATCF) information collection request described below.

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 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 \$750 million of the total amount appropriated to allocate and pay to each eligible revenue sharing counties. These governments may use the funds for any governmental purpose except for a lobbying activity.

Treasury has engaged stakeholders and agency partners, including the National Association of Counties, the Montana Association of Counties, the U.S. Department of the Interior, and the U.S. Department of Agriculture (U.S. Forest Service). Eligible revenue sharing counties have an urgent need for this funding, and given resource constraints, will likely require additional time and one-on-one outreach by Treasury to navigate the funding request process.

Treasury will be unable to make payments to eligible revenue sharing counties without receiving the requested information.

Due to Treasury's inability to carry out its statutory obligations without this information, the statutory deadline which occurs before the time periods set forth in 5 C.F.R. § 1320.10 and recipient resource constraints, as well as the inability to seek public comment during such a short timeframe, Treasury requested and received emergency processing for the Recipient Payment Information Form (for eligible Tribal governments), the records retention and access requirement (for eligible Tribal governments), and the Certification Regarding Economic Conditions (for eligible Tribal governments). For similar reasons, Treasury now requests emergency processing for the Recipient Payment Information Form (for eligible revenue sharing counties) and the records retention and access requirement (for eligible revenue sharing counties). OMB approval of this form is requested by September 27, 2022. 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.