

REPORTING GUIDANCE FOR THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

U.S. Department of the Treasury
Updated February 2023

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is updating this reporting guidance issued in September 2022 regarding the Local Assistance and Tribal Consistency Fund (LATCF), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan), and as amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023. The American Rescue Plan appropriated \$2 billion to Treasury across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments, and Section 103 of Division LL of the Consolidated Appropriations Act, 2023 made up to \$10.6 million available from LATCF funds unclaimed by eligible revenue sharing counties after January 31, 2023 or unobligated Treasury administrative funds, across fiscal years 2023 and 2024 for payments to eligible revenue sharing consolidated governments, for use on any governmental purpose, except for a lobbying activity. The statute defines “eligible revenue sharing county” to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands and statements to such counties in this guidance apply to these territories.

The purpose of LATCF is to serve as a general revenue enhancement program. As outlined in the [Guidance for the Local Assistance and Tribal Consistency Fund](#), recipients have broad discretion on uses of funds and may treat these funds in a similar manner to how they treat funds generated from their own local revenue. For instance, programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a “governmental purpose.” For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating costs or capital expenditures for businesses that are owned or controlled by a Tribal government, are likewise considered to fulfill a governmental purpose. However, as stated above and outlined further in the Ineligible Uses section of the *Guidance for the Local Assistance and Tribal Consistency Fund*, LATCF funds may not be used for lobbying activities.

Each recipient is responsible for ensuring that its LATCF programs are implemented in accordance with applicable legal, regulatory, and other program requirements including the awards terms and conditions provided in recipients’ financial assistance agreements. As outlined in the LATCF guidance, recipients are subject to certain provisions of [2 C.F.R. Part 200](#) (the Uniform Guidance), including Subpart F, Audit Requirements. Recipients should review the LATCF guidance to understand which provisions of the Uniform Guidance do and do not apply. Additionally, recipients must ensure they maintain active registration in the System for Award Management (SAM.gov) for the duration of their award.

This reporting guidance details the reporting requirements for governments that receive LATCF funding, including the following:

- Section I concerns the annual reporting requirements. Recipients are required to submit annual reports to Treasury that detail all obligations and expenditures broken down by governmental purpose reporting category.
- Section II discusses required certifications. Specifically, recipients must certify that LATCF funds are not being spent on lobbying activities. Each recipient must also certify that the information reported is accurate and that LATCF funds are being used in accordance with applicable legal, regulatory, and program requirements.
- Section III discusses other information related to reporting, including compliance and record keeping.

Recipients must submit reporting data through Treasury’s [online portal](#). Treasury may publicly release reports and/or extracts of data based on the information reported to provide transparency about how LATCF funds are being used by recipients. In any public report or data, Treasury will, subject to applicable laws and regulations, withhold information that appears to be personally identifiable information or sensitive information such as commercial or financial information about businesses that is privileged and confidential.

This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law. For more information on LATCF, please visit:

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/local-assistance-and-tribal-consistency-fund>.

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PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: two hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

I. Annual Report

a. Reporting Deadlines

Each recipient will be responsible for submitting an annual Obligation and Expenditure Report to Treasury by March 31 of each year (beginning in 2023) until the recipient has submitted its final report accounting for expenditure of all LATCF funds received. Recipients that received their first tranche payments after December 31, 2022 are not required to submit an annual report by March 31, 2023, because that report covers the reporting period from January 1, 2022 to December 31, 2022. Recipients are required to continue submitting an annual report until their entire award is expended and accounted for in their submitted report(s) and will be required to indicate when their final report is submitted. After verifying that all obligations and expenditures have been reported, Treasury will send notice to the recipient confirming that no additional reports are required. Treasury may provide additional closeout guidance at a later date.

For example, for the next several fiscal years, each annual report should be submitted as follows:

Table 1. Reporting Periods and Submission Deadlines.

| Reporting Period | Submission Deadline |
|--------------------------------------|----------------------------|
| January 1, 2022 to December 31, 2022 | March 31, 2023 |
| January 1, 2023 to December 31, 2023 | March 31, 2024 |
| January 1, 2024 to December 31, 2024 | March 31, 2025 |
| January 1, 2025 to December 31, 2025 | March 31, 2026 |
| January 1, 2026 to December 31, 2026 | March 31, 2027 |
| January 1, 2027 to December 31, 2027 | March 31, 2028 |

b. Required Information

Recipients are required to report annually on obligations and expenditures made using their LATCF award.¹ Specifically, recipients are required to report on (i) current period obligations, (ii) cumulative obligations, (iii) current period expenditures, and (iv) cumulative expenditures for each government purpose reporting category discussed below. Data may be reported on a cash, accrual, or modified accrual basis, as long as the methodology is consistently applied throughout the covered period and until reporting is no longer required.

As a general matter, recipients may use funds to cover costs incurred on any eligible use, including costs incurred from March 15, 2021. Recipients may use funds to cover costs of administering the LATCF program, including costs of consultants to support effective management and oversight as well as compliance with legal, regulatory, and other program requirements. In the [Guidance for the Local Assistance and Tribal Consistency Fund](#), Treasury

¹ Recipients should follow the definitions of “financial obligation” and “expenditure” in Uniform Guidance 2 CFR § 200.1 (Definitions) for purposes of completing these reports. As contemplated by the definition of financial obligation, Treasury recognizes that recipients may obligate funds through means other than contracts. In these circumstances, recipients must follow state, local, or Tribal law and their own established practices and policies regarding when they are considered to have incurred an obligation and how those obligations are documented.

provided a non-exhaustive list of examples of activities that fulfill a governmental purpose. The examples below in parentheses expand on that list. These examples in parentheses are also non-exhaustive.

- Government Services: programmatic services intended to serve the community and non-infrastructure/capital expenditures related to—
 - Health Services (public health expenditures related to the pandemic, as well as medical expenses and behavioral healthcare, and emergency medical)
 - Education (elementary and secondary education related expenditures, early education, addressing learning loss)
 - Public Safety (police, fire, correction/detention, court services, responding to violence)
 - Social Services (adult and children protective services, foster care, family preservation programs, benefit programs, such as food assistance, emergency housing, cash assistance, and utility assistance)
 - Economic Development (tourism, general economic development, workforce development, projects to generate new employment, and stimulate growth)
 - General Government Operations (government administration, personnel costs, administrative facilities, record keeping, tax assessments, election administration)
 - Other Services
- Capital Expenditures²: capital expenditures related to—
 - Health Services (hospitals, clinics)
 - Education (schools, childcare facilities)
 - Public Safety (facilities and equipment, including police vehicles)
 - Community Development (parks and recreation facilities)
 - Housing (new affordable housing construction, maintenance)
 - Government Administration (buildings)
 - Economic Development
 - Other Capital Expenditures
- Transportation/Water/Sewer/Technology: infrastructure expenditures related to—
 - Transportation (roads, bridges, airports, public transit)
 - Water/Sewer
 - Technology Development
 - Other Infrastructure
- Other Governmental Purposes: other expenditures related to—
 - Non-Federal Match/Cost Sharing Requirements
 - LATCF Program Administration
 - Other Purposes Not Listed Above

² Please note that capital expenditures may include expenditures on infrastructure as defined in the award terms and conditions and in the footnote below.

Table 2. Governmental Purpose Reporting Categories.

Recipients should select the appropriate governmental purpose reporting category based on the nature of the obligations and expenditures and identify whether the obligation/expenditure was for an infrastructure project.³ Obligations and expenditures reported should be scoped to align to a single governmental purpose category.

| Category | Subcategory | Obligation Data | | Expenditure Data | | Infrastructure (check “Y” for Infrastructure) |
|---|---|-------------------|------------|-----------------------|------------|---|
| | | Current Period | Cumulative | Curren t Period | Cumulative | |
| EC 1: Government Services | | | | | | |
| | 1.1 Healthcare | | | | | |
| | 1.2 Education | | | | | |
| | 1.3 Public Safety | | | | | |
| | 1.4 Social Services | | | | | |
| | 1.5 Economic Development | | | | | |
| | 1.6 General Government Operations | | | | | |
| | 1.7 Other Services | | | | | |
| | | | | | | |
| EC 2: Capital Expenditures | | | | | | |
| | 2.1 Healthcare | | | | | |
| | 2.2 Education | | | | | |
| | 2.3 Public Safety | | | | | |
| | 2.4 Community Development | | | | | |
| | 2.5 Housing | | | | | |
| | 2.6 Government Administration | | | | | |
| | 2.7 Economic Development | | | | | |
| | 2.8 Other Capital Expenditures | | | | | |
| EC 3: Transportation/Water/ Sewer/Technology | | | | | | |

³ For purposes of this reporting guidance, the term “infrastructure” has the meaning provided in the award terms and conditions related to compliance with the Buy America, Build America Act, as follows: infrastructure means public infrastructure, including but not limited to, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.

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|-----------------------------------|---|--|--|--|--|--|
| | 3.1 Transportation | | | | | |
| | 3.2 Water/Sewer | | | | | |
| | 3.3 Technology Development | | | | | |
| | 3.4 Other Infrastructure | | | | | |
| EC 4: Other Governmental Purposes | | | | | | |
| | 4.1 Non-Federal Match/Cost Sharing* | | | | | |
| | 4.2 LATCF Program Administration | | | | | |
| | 4.3 Other Purposes Not Listed Above | | | | | |

* Please see page 5 of the [Guidance for the Local Assistance and Tribal Consistency Fund for additional information about using LATCF funds for non-federal matching requirements.](#)

II. Certifications

Each recipient must submit a certification, using the form in Appendix 1, with every annual report, certifying that no LATCF funds were used for lobbying activities, in addition to completing the annual certifications and representations in SAM.gov. Amounts that are used in violation of the lobbying restriction set forth in the American Rescue Plan will be subject to recoupment. Furthermore, recipients must also certify that any information reported is accurate and that the approved programs of the recipient are being implemented in accordance with applicable legal, regulatory, and other program requirements as part of their annual report submission.

III. Other Information

a. Subaward Information

Treasury is not collecting subaward data for LATCF funded activities because Treasury has determined that there are no subawards under this program. The definition of subrecipient in the Uniform Guidance states that a subaward is for the purpose of “carrying out” a portion of a federal award. The federal purpose of LATCF is to serve as a general revenue enhancement program for all recipients that receive payments from existing revenue-sharing programs. The federal purpose of the award—to enhance revenue for eligible recipients—is accomplished once funds are available for use by recipients. Therefore, recipients’ use of LATCF funds does not give rise to subrecipient relationships given that there is no federal program or purpose to carry out beyond making funds available for use.

b. Uniform Guidance Applicability

LATCF recipients are only subject to the following provisions of [2 C.F.R. Part 200](#) (the Uniform

Guidance):

- 2 C.F.R. Subpart A (Acronyms and Definitions);
- 2 C.F.R. 200.100-110 (certain General Provisions);
- 2 C.F.R. 200.203 (public notice of Federal financial assistance programs);
- 2 C.F.R. 200.303 (internal controls); and
- Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

Per 2 C.F.R. § 200.101(b), the program is not subject to other Uniform Guidance provisions beyond those detailed above, such as the provisions regarding program income, interest advances, equipment and real property management, procurement requirements, or subrecipient monitoring and reporting requirements.

c. Records Maintenance and Retention

As stated in the Award Terms and Conditions, all eligible Tribal governments, eligible revenue sharing counties, and eligible revenue sharing consolidated governments must maintain records regarding the award and permit Treasury and other oversight bodies access to such records. Please see Appendix 2 for more information on the scope this requirement.

d. Additional Reporting

Treasury may unilaterally increase the frequency and the scope of a recipient's reporting requirements if Treasury finds the recipient to be a high-risk jurisdiction. To determine whether a recipient is a high-risk jurisdiction, Treasury will apply a risk evaluation approach that is consistent with the principles set forth in 2 C.F.R. § 200.206. Treasury may find a recipient to be a high-risk jurisdiction prior to the jurisdiction's receipt of allocated funds or after the recipient receives its allocated funds.

e. Buy America

The Build America, Buy America Act establishes domestic content procurement preference requirements for Federal financial assistance programs for infrastructure.⁴ These requirements apply to projects for infrastructure funded in whole or part with a LATCF award. These requirements do not apply to non-infrastructure projects or to infrastructure projects undertaken in response to the COVID-19 public health emergency.

The certification attached as Appendix 1 includes a certification as to recipients' compliance with these requirements. For more information on this topic, including information on any waivers that are issued from the Build America, Buy America requirements, please visit the [LATCF Treasury website](#).

f. Civil Rights Compliance

Eligible revenue sharing county and eligible revenue sharing consolidated government recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating

⁴ The definition of "infrastructure" is provided in the award terms and conditions. See footnote 3, above.

to nondiscrimination and nondiscriminatory use of Federal funds.⁵ Those requirements include ensuring that eligible revenue sharing counties and eligible revenue sharing consolidated governments receiving Federal financial assistance from Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and Treasury’s implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and Treasury’s implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from eligible revenue sharing county and eligible revenue sharing consolidated government recipients to ascertain their compliance with the applicable requirements. Treasury’s implementing regulations, 31 CFR part 22, and the Department of Justice regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that eligible revenue sharing county and eligible revenue sharing consolidated government recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

g. Compliance Advisory

Information provided through annual reporting will be used to facilitate Treasury’s compliance review for uses of funds that do not comply with the LATCF, Treasury’s guidance, or other program requirements, as well as to reduce the risk of waste, fraud, and abuse. Treasury may recoup funds from any recipient in cases of misuse of LATCF funds. Separately, in case of a failure to report, Section 605(c) of the Social Security Act provides specifically that Treasury may recoup funds from an eligible revenue sharing county or an eligible revenue sharing consolidated government of an amount that the Secretary determines appropriate but that does not exceed 5 percent of the total amount of LATCF funds paid to the eligible revenue sharing county or eligible revenue sharing consolidated government.

⁵ Please note that the award terms and conditions for Treasury’s pandemic recovery programs, including the LATCF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

IV. Update Log

| Date | Action |
|----------------|--|
| September 2022 | Treasury issues Reporting Guidance |
| February 2023 | Treasury updates Reporting Guidance to reflect amendment to LATCF by Section 103 of Division LL of the Consolidated Appropriations Act, 2023 |
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Appendix 1.

Certification Required with LATCF Annual Report

The undersigned, on behalf of [_____] (“recipient”) specified below, hereby makes the following certifications to the U.S. Department of the Treasury as of the date of this certification:

1. The information, certifications, attachments, and other information provided by the recipient to the U.S. Department of the Treasury related to the Local Assistance and Tribal Consistency Fund (“LATCF”) are true and correct and do not contain any materially false, fictitious, or fraudulent statement, nor any concealment or omission of any material fact;
2. The recipient is utilizing LATCF funds in accordance with all applicable legal, regulatory, and other program requirements, including as provided under Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 and as amended by Section 103 of Division LL of the Consolidated Appropriations Act, 2023, and any guidance released by the U.S. Department of the Treasury;
3. The recipient has not spent any LATCF funds on lobbying activities as outlined in the Ineligible Uses section of Treasury’s *Guidance for the Local Assistance and Tribal Consistency Fund*;
4. To the extent applicable to the recipient’s award, the recipient is in compliance with Treasury guidance on the application of Build America and Buy America to LATCF funds and any waivers issued by Treasury with regards to the application of BABA requirements to this program; and
5. The undersigned has authority to execute and deliver this certification on behalf of the recipient.

Name:

Title:

Telephone:

Email:

Appendix 2

Record Maintenance and Retention

Each recipient must retain all financial records, supporting documents, statistical records, and all other records pertinent to its LATCF award for a period of five years from the date of submission of the final annual report. This requirement includes documentation necessary to show compliance with the Build America, Buy America Act, to the extent applicable to the recipient's award.

Treasury, the Treasury Office of Inspector General, the Government Accountability Office, or any of their duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers, or other records of the recipient that are pertinent to the recipient's allocation, and to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the recipient's personnel for the purpose of interviews and discussion related to such documents.

Because recipients and their contracted entities may receive sensitive information in the course of completing projects using the award, Treasury strongly encourages recipients and their contracted entities to establish robust protections against data breaches and misuse and to comply with all applicable privacy laws.