

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220



**TO:** evezs, Administrator, Office of Information and Regulatory Affairs

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

**SUBJECT:** Justification for Emergency Processing: State and Local Fiscal Recovery Funds Updated Compliance and Reporting Guidance

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 State and Local Fiscal Recovery Funds (SLFRF) program's Compliance and Reporting Guidance, revising OMB Control Number 1505-0271.

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Funds, which together make up the SLFRF program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

On November 15, 2021, Treasury published updated [Compliance and Reporting Guidance](#) that SLFRF recipients need to comply with to fulfill their reporting requirements.

On January 6, 2022, Treasury released the SLFRF final rule. The final rule was published on the Federal Register on [January 27, 2022](#). The final rule delivered broader flexibility and greater simplicity in the program. Following the final rule, Treasury updated the Compliance and Reporting Guidance to address the expanded eligible uses articulated in the final rule.

On December 29, 2022, Congress amended the SLFRF program in the Consolidated Appropriations Act, 2023. These amendments added three new eligible use categories to the SLFRF program. On August 9, 2023, Treasury submitted an interim final rule implementing these three new eligible uses to the Federal Register, and on August 10, 2023 Treasury released the interim final rule on its website.

Due to the changes introduced by the interim final rule, a series of updates to the Compliance and Reporting Guidance are required. The revisions incorporate updates to the information to be provided in the Project and Expenditure Report and Recovery Plan Performance Report submissions regarding these three new eligible use categories.

Treasury needs to start working on updating the reporting portal recipients will use to transmit the necessary information under the interim final rule. The online portal is expected to go live around October 1, 2023. However, Treasury will need to provide final development

requirements to our information technology providers as soon as possible, to properly incorporate the changes from the interim final rule. In addition, Treasury will need to provide guidance to recipients ahead of the portal launch date so that they can start gathering the necessary information needed to be reported. As a result of these needs, Treasury requests emergency processing and approval by September 22, 2023 of the updated Compliance and Reporting Guidance. 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.