

Response to Public Comments During 30-day Comment Period for the Generic Clearance for Financial Reports Used for ACF Non- Discretionary Grant Programs (Office of Management and Budget #: 0970-0510)

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published two notices in the Federal Register announcing the agency's intention to request OMB's review of this revision and extension request for the umbrella generic. The first notice was published on January 3, 2024, (89 FR 4306), and provided a sixty-day period for public comment. ACF received comments, which were addressed in Supporting Statement A, section A8. A second notice was published on May 7, 2024 (89 FR 38156), allowing a thirty-day period for public comment, in conjunction with submission of the request to OMB. ACF received similar comments on the second notice and provide the following in response:

We have reviewed the OCSS 396 Report, Line 10 per this request and prior comments that we have received from this individual. Our analysis has determined that 45 CFR 303.70 (f)(2)(iii) provides that the payment of a fee by the IV-D agency is not a reimbursable expense under the IV-D program. Rather, such amounts would be counted as program income. Therefore, the regulation does not permit states to claim FFP reimbursement for FPLS user fees, and there is no requirement that there be federal funding reimbursement for underpayments to states for FPLS user fees. This regulation implements section 453(e)(2) of the Social Security Act. [OCSE-AT-92-01](#) provides additional background information about this regulation as well as the types of administrative expenditures that may be claimed under 45 CFR 304.20 for utilizing the FPLS.

We appreciate your concern regarding states' ability to claim FFP for FPLS user fees, but ACF does not feel that any action is necessary. Please know that this response is intended to address all inquiries from this individual to ACF on this matter.