

## **More Information on the Conclusion of the Public Comment Period and the Interim Final Rule on the Coronavirus State and Local Fiscal Recovery Funds**

The American Rescue Plan provides \$350 billion through the Coronavirus State and Local Fiscal Recovery Funds for eligible state, local, territorial, and Tribal governments to respond to the COVID-19 emergency and bring back jobs. This funding is subject to the requirements specified in the [Interim Final Rule](#) adopted by Treasury, which describes whether a program, project, or service is an eligible use.

The Interim Final Rule took effect on May 17, 2021 and was open for public comment until July 16, 2021. Treasury welcomes the robust stakeholder feedback that was provided, with nearly 1,000 unique comments submitted. Treasury is committed to a prompt and thorough review of the comments and plans to adopt a final rule, which will respond to comments received. Treasury expects its review of comments to continue into the fall.

Until Treasury adopts a final rule and the final rule becomes effective, the Interim Final Rule is, and will remain, binding and effective. This means that recipients can and should rely on the Interim Final Rule to determine whether uses of funds are eligible under this program. Treasury encourages recipients to use funds to meet needs in their communities.

*Funds used in a manner consistent with the Interim Final Rule while the Interim Final Rule is effective will not be subject to recoupment.*

As noted above, the Interim Final Rule implements the four categories of eligible uses established under the American Rescue Plan Act, including by establishing criteria and considerations for recipients to determine whether a use is consistent with the Interim Final Rule. To provide clarity regarding eligible uses and help support recipients in responding to urgent needs, the Interim Final Rule includes a non-exclusive list of programs or services that are eligible as responding to the public health emergency and its negative economic impacts and a non-exclusive list of government services that may be funded to the extent of a government's reduction in revenue. At the end of this statement are examples that recipients may consider. Please note that not every eligible use is listed below, and recipients may use the Interim Final Rule to interpret whether their use of fund meet the criteria of what is eligible. It is possible for recipients to use funds in a manner that is not on the list below as long as it is consistent with guidance in the Interim Final Rule.

Additionally, recipients can use State and Local Fiscal Recovery Funds, up to their amount of revenue loss due to COVID-19, with broad discretion to provide government services. Some examples of government services include police, fire, and other public safety services, school or educational services, health services, environmental services, and maintenance or pay-go funded building of infrastructure including roads.

Finally, recipients may also consider FAQs issued by Treasury to help assess whether a project or service would be an eligible use of Coronavirus State and Local Fiscal Recovery Funds.

If recipients have interpretive questions regarding the Interim Final Rule, they may contact Treasury at [sfrp@treasury.gov](mailto:sfrp@treasury.gov). Treasury does not pre-approve specific uses of these funds.

Treasury is committed to supporting recipients in helping to ensure a strong and equitable recovery and recipients are encouraged to use this relief to support urgent needs, including pandemic response efforts and supporting the immediate needs of households and businesses.

### **Non-Exhaustive Examples of Funding Uses Eligible as Responding to the COVID-19 Public Health Emergency and Its Negative Economic Impacts**

- Expenses related to COVID–19 vaccination programs and sites
- Costs of providing COVID–19 testing and monitoring, contact tracing, and monitoring of case trends and genomic sequencing for variants
- COVID–19 related expenses in congregate living facilities, including skilled nursing facilities, long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities
- COVID–19-related expenses of public hospitals, clinics, and similar facilities
- Expenses of establishing temporary public medical facilities and other measures to increase COVID–19 treatment capacity
- Emergency medical response expenses, including emergency medical transportation, related to COVID–19
- Mental health treatment, substance misuse treatment, and other behavioral health services
- Assistance to unemployed workers, including services like job training to accelerate rehiring of unemployed workers
- Assistance to households or populations facing negative economic impacts, including food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; internet access or digital literacy assistance.
- Assistance to small businesses facing negative economic impacts, including to address financial hardship; implement COVID–19 prevention or mitigation tactics; or provide technical assistance, counseling, or other services to assist with business planning needs.
- For state, local, or Tribal governments, payroll and covered benefit expenses for public safety, public health, health care, human services, and similar employees responding to the COVID–19 public health emergency.
- Payroll, covered benefits, and other costs associated with rehiring public sector staff, up to the pre-pandemic staffing level of the government.
- When provided in a qualified census tract, to households living in a qualified census tract, by a Tribal government, or to other households, businesses, or populations disproportionately impacted by COVID–19, including programs or services that:
  - Facilitate access to health and social services, including assistance accessing public benefits or community violence intervention programs
  - Address housing insecurity, including support for individuals who are homeless and development of affordable housing
  - Address COVID– 19 impacts on education, including: new or expanded early learning services and services to address the academic, social, emotional, and mental health needs of students
  - Address the impacts of the COVID– 19 public health emergency on childhood health or welfare, including new or expanded childcare or home visiting programs.