



Procedures for Modifications of Programs and Allocation Agreements under the SSBCI Capital Program

June 24, 2024

Table of Contents

| | |
|--|---|
| Section 1. Purpose and Background | 1 |
| Section 2. Material Modifications | 2 |
| A. Scope and Procedures | 2 |
| B. General Requirements for All Material Modification Requests | 3 |
| C. Additional Requirements for Requests to Approve a New Jurisdiction Program | 4 |
| D. Additional Requirements for Requests for a Change of Implementing Entity | 5 |
| E. Treasury Processing of Material Modification Requests | 6 |
| Section 3. Administrative Changes | 6 |
| A. Scope and Procedures | 6 |
| B. General Requirements for All Administrative Changes | 7 |
| C. Additional Requirements for a Change of Authorized Representative or Delegation of Authority | 7 |
| D. Additional Requirements for Name Change to an Approved Program Without Other Modification of Program | 9 |

Section 1. Purpose and Background

In general, participating jurisdictions must implement their approved programs consistent with their approved applications, and certain changes to the operations of those programs may require notification to or pre-approval from Treasury.¹ See also General FAQ #4; FAQ #13 under Section VIII.i; Allocation Agreement sections 3.7, 6.1, and 6.3.

Certain material modifications to a participating jurisdiction’s SSBCI programs require an amendment to a participating jurisdiction’s Allocation Agreement. This document sets out

Paperwork Reduction Act Notice - OMB Control Number 1505-0227. 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.

¹ Unless indicated otherwise, a “participating jurisdiction” means a jurisdiction that has been approved by Treasury for participation in the SSBCI Capital Program and may include (A) one of the 50 states of the United States; (B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands; or (C) a Tribal government, or a group of Tribal governments that has been allocated SSBCI funds.



procedures for a participating jurisdiction to request Treasury’s approval of such proposed modifications, including material changes relating to an approved program, implementing entity or contracted entity.

In addition, this document sets out requirements for participating jurisdictions to notify Treasury of modifications to approved programs that constitute administrative changes.

Treasury will make final determinations regarding whether a change is material or administrative, and therefore participating jurisdictions are encouraged to contact their outreach manager well in advance of a contemplated change to discuss whether the change would be viewed as material or administrative.

Section 2. Material Modifications

A. Scope and Procedures

Material modifications require an amendment to an Allocation Agreement

Prior approval from Treasury, in the form of a written amendment to the Allocation Agreement, is required for any of the following events:

1. The elimination or termination of a program previously approved by Treasury.
2. The addition of a new proposed program (see section 2.C below).
3. A material change in the scope or purpose of an approved program. If a participating jurisdiction has any question about whether a proposed change to an approved program constitutes a material change, the participating jurisdiction should contact Treasury regarding the proposed changes as soon as possible.
4. The reapportionment and transfer of a participating jurisdiction’s allocated funds among approved programs, if the total amount of proposed transfers (cumulative since the last allocation of funds across programs approved by Treasury in the approved application or material modification) is greater than 10 percent of the participating jurisdiction’s “Total Allocation,” as specified in the jurisdiction’s Allocation Agreement, as of the date of the request.
5. A change in a participating jurisdiction’s implementing entity (see section 2.D below).
6. A material change in the identity of entities administering or implementing the program, including contracted entities identified in Schedule A of the Allocation Agreement.²

² Whether or not a change to a participating jurisdiction’s contracted entities is viewed as material (and thus requiring an amendment to the Allocation Agreement), participating jurisdictions are required to comply with all program requirements, including reporting requirements, with respect to any entities that meet the definition of contracted entity in section 1.1 of the Allocation Agreement or are otherwise designated to implement approved programs. While the list of contracted entities in Schedule A to the Allocation Agreement is illustrative of the scope of contracted entities at the time of application approval, a participating jurisdiction’s obligations are not limited to the entities listed in Schedule A. See also section 3.1 of the Allocation Agreement and section III.b of the SSBCI FAQs (“What requirements apply to an entity that implements an SSBCI program if that entity does not contract directly with a jurisdiction or its implementing entity?”).



- In the case of a participating jurisdiction that is a consortium of Tribal governments, any change to the identities of the Tribal governments participating in the consortium will be considered a material change.

Importantly, a material modification is not considered approved and effective until both the participating jurisdiction's Authorized Representative³ and Treasury have fully executed an amendment to the Allocation Agreement.⁴

Timing

It is the responsibility of the participating jurisdiction to request a modification with sufficient lead time to account for processing by Treasury. The processing time will vary based on factors such as the complexity of the change and the sufficiency of the documentation provided to support the change, but generally, Treasury expects material modification requests to be processed within 90 days from the date Treasury receives a complete material modification request package.

Procedures to request a material modification

Participating jurisdictions may request approval of a proposed material modification pursuant to the procedures below.

B. General Requirements for All Material Modification Requests

To request a material modification, the participating jurisdiction must e-mail the following to SSBCI_Information@treasury.gov and cc: the participating jurisdiction's assigned outreach manager.

1. A letter, signed by the participating jurisdiction's Authorized Representative, specifying the proposed material modifications.
2. Any necessary documentation to support the proposed change. In all cases, this should include a narrative that sufficiently explains the need for the proposed change and the impact of the

³ As used in these procedures, the term "Authorized Representative" generally refers to the official named as the Authorized Official in the jurisdiction's SSBCI Capital Program approved application, or another appropriate official from the jurisdiction's implementing entity who has been properly delegated authority to request a modification and execute an amendment to the Allocation Agreement on behalf of the jurisdiction. This will often be the same as the official who signed the Allocation Agreement as the Authorized Representative of the jurisdiction. Jurisdictions should notify Treasury of updates to their Authorized Representatives in accordance with section 3.C of these procedures.

⁴ In addition to modifications requested by the participating jurisdiction, per section 6.3 of the Allocation Agreement, Treasury may also unilaterally amend the Allocation Agreement if required in order to comply with applicable federal law or regulation. Modifications may also be appropriate upon the occurrence of any material event as described in section 3.7 of the Allocation Agreement; the determination of any event of default as described in sections 5.1 or 5.3 of the Allocation Agreement; or a change in the amount allocated to the Participating Jurisdiction.



proposed change on program performance, which may be included in the letter or separately provided. As appropriate to the requested modification, this may include, but is not limited to:

- Updated leverage tables.
- Documentation regarding the capacity of a proposed implementing entity or contracted entity.

C. Additional Requirements for Requests to Approve a New Jurisdiction Program

In addition to complying with the general requirements listed in section 2.B above, a participating jurisdiction requesting approval of a new proposed program must also submit completed [SSBCI Capital Program application](#) components specific to the proposed program, including the following, as applicable (section references below are to the relevant provisions of the application):

1. Section 5: Entity Information. If a contracted entity that is not specified in Schedule A to the Allocation Agreement will implement or administer the proposed program, the participating jurisdiction must complete section 5.3 of the application for the proposed contracted entity.
2. Section 6: Awardable Amount.
 - i. Section 6.1: Statement on Legal Actions. If any changes are necessary to the statement on legal action submitted under section 6.1 of the application, the participating jurisdiction must submit necessary revisions. If not, the jurisdiction must confirm that the previous statement of legal actions is accurate in all material respects with respect to the new proposed program.
 - ii. Section 6.1: Underserved Narrative. The participating jurisdiction must update the underserved narrative to address the proposed program.
3. Section 7: Program Overview. The participating jurisdiction must update the program overview to address the proposed program.
4. Section 8: Program Details. The participating jurisdiction should complete this section of the application as appropriate to the type of proposed program (CAP or OCSP).
 - i. Section 8.1A: Capital Access Program (CAP) Criteria, if proposed. The participating jurisdiction must confirm that the proposed CAP satisfies each eligibility criterion and must also submit the Enrolled Loan Data table.
 - ii. Section 8.1B: Other Credit Support Program (OCSP), if proposed. The participating jurisdiction must submit narratives for both the OCSP Program Information and the OCSP Additional Considerations.
 - iii. Section 8.1C: Leverage Data. For proposed OCSPs, the participating jurisdiction must also submit revised leverage ratio data that includes all programs (both previously approved and proposed) and the revised allocations for each program.
5. Section 9: Compliance & Oversight.
 - i. The participating jurisdiction must update the existing compliance and oversight narrative to reflect the proposed program.
 - ii. If there are no changes that would affect the participating jurisdiction's existing Assurances of Compliance with Civil Rights Requirements, the Authorized Representative does not need to re-execute the assurances.



D. Additional Requirements for Requests for a Change of Implementing Entity

In addition to complying with the general requirements listed in section 2.B above, a participating jurisdiction requesting approval of a change of the implementing entity must also submit the following:

1. Proposed implementing entity letter of designation. A letter of designation from the governor of the state or governing official of the territory, District of Columbia, or Tribal government stating that the implementing entity listed in Schedule A of the Allocation Agreement will no longer serve in that function upon Treasury's approval of the proposed modification and specifying the proposed new implementing entity.

In addition to the requirements noted above, this letter must make clear that:

- The governor or governing official has designated the proposed implementing entity to accept the SSBCI allocation behalf of the state, territory, the District of Columbia, or Tribal government;
- The proposed implementing entity will implement and oversee the program(s) of the state, territory, the District of Columbia, or Tribal government; and
- The proposed implementing entity has the legal authority to enter into an amendment to the participating jurisdiction's Allocation Agreement with Treasury.

The letter should also identify the title of the Authorized Official.

2. Statement on legal actions for the proposed implementing entity. A narrative describing the necessary legal actions (such as legislative authorization) that have been or need to be taken to enable the proposed implementing entity to implement the applicant's programs, as discussed at 12 U.S.C. 5703(b)(2). The narrative should confirm that:
 - The proposed implementing entity is legally capable to bind the participating jurisdiction to obligations with the federal government; and
 - The legal mechanisms are in place for the participating jurisdiction to accept the transfer of SSBCI funds and deliver funds to the proposed implementing entity.

If any actions are necessary, but have not been completed, to enable the entity to implement the participating jurisdiction's approved programs (such as legislative approval, if applicable), indicate what the remaining actions are and when they will be completed. Note that a proposed modification will not be approved until a participating jurisdiction has provided Treasury with description of necessary legal actions and all legal actions necessary to enable the proposed implementing entity to implement the proposed programs and participate in SSBCI have been completed.

3. Assurances of compliance with civil rights requirements. If the proposed implementing entity has not completed assurances with respect to the SSBCI Capital Program, these assurances must be completed and submitted (see section 9 of the SSBCI Capital Program Application).



E. Treasury Processing of Material Modification Requests

Upon receipt of a complete material modification request, Treasury will evaluate the request and may request additional information or documentation. Treasury will then approve or deny the request in writing. Treasury may request the relevant implementing entity's Authorized Representative to confirm that all the information submitted to support the modification is true and correct. Approval of any modification request is at Treasury's sole discretion.

If Treasury approves a material modification request, Treasury will send the participating jurisdiction an amendment to the Allocation Agreement, which the participating jurisdiction's Authorized Representative must execute and return to Treasury within the timeframe specified by Treasury.⁵

Upon receipt of the executed documents, Treasury will countersign the amendment and provide a copy to the participating jurisdiction for its files. Treasury's approval of a modification request is not effective until the amendment to the Allocation Agreement has been fully executed by both the participating jurisdiction and Treasury.

Section 3. Administrative Changes

A. Scope and Procedures

Certain modifications related to the Allocation Agreement, including the incorporated approved application, may be considered administrative changes, which do not require an amendment to the Allocation Agreement. However, a jurisdiction seeking to make such a change must notify Treasury of the proposed change and receive Treasury's written concurrence that the proposed modification is an administrative change. Treasury may request supporting documentation to evaluate a proposed administrative change. Under the Allocation Agreement, a participating jurisdiction's "Approved Application" will be deemed for all purposes to include any written information submitted by the participating jurisdiction to Treasury in connection with an administrative change that receives Treasury's written concurrence.

Administrative changes may include, among other things:

1. A change in the participating jurisdiction's Authorized Representatives that is not due to a change in the implementing entity (See section 3.C below).
2. A change in the participating jurisdiction's delegations of authority (See section 3.C below).
3. Name changes to an approved program that do not impact program operations (See section 3.D below).
4. Immaterial changes to program design such as, but not limited to:

⁵ In general, Treasury anticipates requesting that the participating jurisdiction sign and return the amendment within 14 calendar days; however, Treasury may adjust the timeframe depending on appropriate considerations including the urgency of the amendment.



- a. A change to an approved program that is designed to make the program more accessible, such as adding a marketing partner, or to expand eligibility for the approved program in accordance with SSBCI guidelines.
- b. A change to the geographic focus of the approved program, if the change does not affect the underserved narrative or leverage tables contained in the approved application.
- c. Internal procedural changes to the participating jurisdiction's processes that do not affect how assistance under the approved program is extended to borrowers or investees.
- d. Reapportionments of 10 percent or less, in the aggregate on a cumulative basis, of the participating jurisdiction's "Total Allocation," as specified in the jurisdiction's Allocation Agreement, as of the date of the request so long as the reapportionment does not adversely impact a jurisdiction's program operations and the program remains compliant with program guidance.
- e. Immaterial changes to contracted entities.

Timing

Participating jurisdictions should provide notification and request Treasury's concurrence at least 30 calendar days in advance of a requested administrative change. If a participating jurisdiction is unable to provide sufficient advance notice, it should provide an explanation why advance notification was not feasible, and Treasury may seek to accelerate its review, if practicable.

B. General Requirements for All Administrative Changes

A participating jurisdiction must submit a notification with relevant information about any proposed administrative change to SSBCI_Information@treasury.gov and cc: the participating jurisdiction's assigned outreach manager.⁶ The notification should provide information or documentation explaining the need for the proposed administrative change, including specifying the impact of the change on the approved program. Treasury will provide a written non-objection if the change is determined to constitute a permissible administrative change. Alternatively, Treasury may require the participating jurisdiction to submit additional documentation or may notify the participating jurisdiction that the proposed modification requires an amendment to the Allocation Agreement.

C. Additional Requirements for a Change of Authorized Representative or Delegation of Authority

Notification of a change of an Authorized Representative

⁶ Except as provided in section 3.C below, these notifications do not generally require a letter signed by the Authorized Official or another Authorized Representative of the participating jurisdiction, but if the notification to Treasury is sent by another individual, the Authorized Official or another Authorized Representative should generally be copied.



A participating jurisdiction must provide Treasury with written notification of a change in the Authorized Official or other officials with delegated authority who will serve as Authorized Representatives of the jurisdiction.

To notify Treasury of a change in the Authorized Official, the participating jurisdiction must submit a letter signed by either the outgoing, new, or acting/interim Authorized Official that includes:

- The effective date of the change; and
- The name, title, and contact information (including telephone number and e-mail address) of the new or acting/interim Authorized Official.

The notification should be submitted on the letterhead of the implementing entity. If the entity or organization does not have letterhead, Treasury will accept a letter signed by the governor or governing official of the participating jurisdiction. Treasury may request additional information or documentation to verify the authority of the new Authorized Official.

The jurisdiction should e-mail the signed letter to SSBCI_Information@treasury.gov and cc: the participating jurisdiction's assigned outreach manager.

Note that a change in the Authorized Official that results from a change in the identity of an implementing entity identified in Schedule A of the Allocation Agreement will be processed as an amendment request. See section 2.D above.

Notification of a delegation of authority

A participating jurisdiction may delegate to one or more officials of the participating jurisdiction authority to act as an Authorized Representative of the jurisdiction on behalf of the Authorized Official. To inform Treasury of a delegation of authority, the participating jurisdiction must submit a written notification on agency letterhead that is signed by the Authorized Official. The notification of delegation of authority must include:

- The scope of the delegation, including any specific signatory authority;
- The name, title, telephone number, and e-mail address of each official who has been delegated authority;
- The effective date of the delegation and the period the delegation is valid; and
- References to applicable laws and statutes of the participating jurisdiction that permit the delegation of authority.

The participating jurisdiction should e-mail a signed delegation of authority to SSBCI_Information@treasury.gov and cc: the participating jurisdiction's assigned outreach manager.



D. Additional Requirements for Name Change to an Approved Program Without Other Modification of Program

In general, when there is a name change to an approved program named in Schedule A of the Allocation Agreement, Treasury will acknowledge receipt in writing, but will not issue an updated Schedule A unless and until there is an amendment to the Allocation Agreement for another purpose. To inform Treasury of a change in the name of an Approved Program, the participating jurisdiction must submit a written notification that notifies Treasury of the name change and confirms that the name change will not affect program operations.⁷ The participating jurisdiction must comply with all requirements associated with the program as listed in the Allocation Agreement notwithstanding the name change.

⁷ As noted in footnote 6, a notification of a program name change does not require a letter signed by the Authorized Official or another Authorized Representative of the participating jurisdiction, but if the notification to Treasury is sent by another individual, the Authorized Official or another Authorized Representative should be copied on the notification.



Privacy Act Statement:

AUTHORITY: The Privacy Act of 1974 (Privacy Act) protects certain information that the federal government has about “individuals” (United States citizens and lawfully admitted permanent residents). The Privacy Act does not generally apply to businesses, but some federal courts have found that this law applies to sole proprietors (they are deemed “individuals” under the Privacy Act).

PURPOSE: This information is maintained by Treasury so that it can process applications submitted in accordance with the Small Business Jobs Act of 2010 (SBJA), Title III, 12 U.S.C. §§ 5701 et seq., as amended by the American Rescue Plan Act of 2021 (ARPA), section 3301, communicate with program contacts, and otherwise carry out the program described under that statute.

ROUTINE USE: The information you furnish may be shared in accordance with the routine uses outlined in Treasury .013, Department of the Treasury Civil Rights Complaints, Compliance Reviews, and Fairness in Federal Programs Files System of Records Notice (SORN), 88 Fed. Reg. 12439, Treasury .015, General Information Technology Access Account Records, 85 Fed. Reg. 73353; and Treasury .017, Correspondence and Contact Information, 81 Fed. Reg. 78266. For example, one routine use under Treasury .017 is to disclose information to international, federal, state, local, tribal, or private entities for the purpose of the regular exchange of business contact information in order to facilitate collaboration for official business. More information about this and other routine uses can be found in the SORNs listed above, updates to which may be periodically posted on Treasury’s [website](#).

DISCLOSURE: Providing this information is voluntary. However, failure to furnish the requested information may result in the denial of funding under your application or other remedial actions under the allocation agreement.