

OCS' Response to the Sole Comment on the LIHEAP Carryover and Reallotment Report ICR (201811-0970-006) –
updated 4/22/2019

The commenter focused on compliance burden, about which he raises the following concerns:

- 1) That the Carryover and Reallotment Report's (Report's) purpose is to determine the amount of funds to be redistributed (a.k.a., "reallotted") because they exceeded the grantees' previous year's carryover limits;
- 2) That the Report's respondents must estimate their initial figures. This is because the Report's due date of August 1 precedes fiscal year's end date;
- 3) That the Report's respondents must update their initial figures repeatedly during the estimation period. This is because the Report's instructions call for them to report any changes to their obligations as soon as possible and regardless of amount; and
- 4) That the burden associated with these repeated updates is "unnecessarily onerous" and, most likely, contradicts ACF's published estimates.

HHS points out the following:

The Report's purpose is, in fact, multifold, as follows:

- 1) It tells HHS how much funding each grantee, not all grantees in aggregate, anticipate having left over and subsequently must return to HHS for reallotment;
- 2) It allows HHS to help such grantees obligate such funds before the end of the fiscal year when the obligation time period expires;
- 3) It tells HHS how much funding it will need to redistribute as new grant awards in the subsequent federal fiscal year (FFY) or that each grantee must return to HHS for conveyance to the Treasury if the funds are returned later than the subsequent FFY;
- 4) It allows HHS to identify such grantees for monitoring or additional technical assistance; and
- 5) It allows HHS to corroborate, on each state's LIHEAP Performance Data Form, the following amounts:
 - a) The amount that such state carried over from the previous fiscal year; and
 - b) The amount that such state plans to carry over to the following fiscal year.

The commenter recommended the following:

- 1) That HHS extend the Report's due date from August 1 to December 15;
- 2) That HHS close the Report to further updates after December 15.

OCS recommends the following in response to the comment:

- 1) That HHS maintain the August 1 initial due date, but that it explicitly treat such date as estimated data. This maintains HHS' ability to provide time sensitive, targeted technical assistance to grantees that appear to be struggling with meeting their obligation requirement;
- 2) That HHS tell grantees that it expects them to submit estimated, not final, data by that date;
- 3) That HHS establish December 15 as the date on which grantees must submit actual data for the prior federal fiscal year;

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- 4) That HHS base the amount that grantees must return, and that HHS may reallocate, on the data that was in the grantees' submissions as of December 15;
- 5) That HHS allow grantees to report updates between August 1 and December 15 whenever they wish during that timeframe;
- 6) That HHS leave the report open for updates after December 15, under the following conditions:
 - a) Allowing grantees to make corrections beyond the due date is necessary so that their final documents with HHS comport with their final documents and to reduce the risk of audit and monitoring findings. However, However, grantees would not be able to obligate against or draw down funds previously reported as reallocation because HHS will be in the process of, or have completed, redistributing the reallocated funding. ; and,
 - b) That, after this date, HHS convey through the normal process any additional funds that grantees return to the Treasury.

The commenter was John Harvanko, Energy Assistance Program Director for the State of Minnesota. He was the only party to comment.