

Low Income Home Energy Assistance Program (LIHEAP) Carryover and Reallotment Report

**OMB Information Collection Request
0970 - 0106**

Supporting Statement Part A - Justification

Revised April 2022

Submitted By:
Office of Community Services
Administration for Children and Families
U.S. Department of Health and Human Services

1. Circumstances Making the Collection of Information Necessary

The federal Low Income Home Energy Assistance Program (LIHEAP) statute requires the Department of Health and Human Services (HHS) to collect data annually from all LIHEAP grant recipients regarding the status of obligated and unobligated funding (42 U.S.C. § 8626). HHS shall not make payment to a State for a fiscal year unless the State has complied with this reporting requirement with respect to the prior fiscal year. The amount held available from a prior fiscal year shall not exceed 10 percent of the funds awarded for that fiscal year (42 U.S.C. § 826(b)(2)(B)). Funds exceeding 10 percent shall be reallocated in the following fiscal year among all LIHEAP grant recipients (42 U.S.C. § 8626(b)(1)(C)).

The federal HHS block grant regulations further require that the Carryover and Reallotment Report (Carryover Report) must contain the following information: (1) The amount of funds that the grant recipient requests to hold available for obligation in the following fiscal year, not to exceed 10 percent of the funds payable to the grant recipient; (2) A statement of the reasons that this amount to remain available will not be used in the fiscal year for which it was allotted; (3) A description of the types of assistance to be provided with the amount held available; and (4) The amount of funds, if any, to be subject to reallocation. See 45 C.F.R. § 96.81.

OMB most recently approved the Carryover Report in April 2019 for three years. On August 20, 2020, OMB approved a non-substantive change to this form to allow for line item reporting of funds appropriated through the CARES Act (P. L. 116-136) and through any other supplemental acts passed by Congress. The HHS Administration for Children and Families (ACF) now seeks to renew this form for three years with two additional changes: (1) the replacement of Oil Overcharge funds with funds appropriated through the Infrastructure Investments and Jobs Appropriations Act (Infrastructure Act) [Public Law (P. L.) 117-58]; and (2) the replacement of CARES Act funds with funds appropriated through the American Rescue Plan Act of 2021 (ARPA) (P. L. 117-2).

2. Purpose and Use of the Information Collection

ACF intends to continue to use the mandatory annual report to target training and technical assistance (T&TA) to grant recipients that risk returning LIHEAP funds to Treasury. ARPA and the LIHEAP statute require recipients to return, after the end of the given fiscal year, all unobligated funds above the following thresholds (1) 100 percent of ARPA funds; and (2) 90 percent of all non-ARPA funds—including Infrastructure Act funds—that were appropriated for the given fiscal year. ACF plans to make the first deadline for this report August 1 of the given fiscal year. This deadline will give ACF almost two months to identify these grantees and provide any necessary T&TA before the fiscal year ends.

ACF also intends to continue to use the mandatory report to determine the amount of non-ARPA LIHEAP funds to be reallocated. If the total amount available for reallocation for a fiscal year is less than \$25,000 then the Department will not reallocate such amount. If the total amount available for reallocation for a fiscal year is \$25,000 or more then the Department will reallocate such amount, except that the Department will not award less than \$25 in

reallotted funds to any single grant recipient for any fiscal year and any source of funding that falls under a single Common Accounting Number (CAN).

3. Use of Improved Information Technology and Burden Reduction

The Carryover and Reallotment Report must be submitted to HHS electronically, via the On-Line Data Collection (OLDC) system. HHS requires this method because it needs (1) to track submission; (2) assist grant recipients with their submissions prior to the end of the fiscal year; (3) systematically validate the form's entries; and (4) quickly download the data therein.

4. Efforts to Identify Duplication and Use of Similar Information

There is no duplication of collection of this data during the fiscal year. The form requests data on the amount of funds being carried forward, the reason the funds remain, the planned uses of the funds, and the amount subject to reallotment. As part of their annual application for funds, grantees are required by statute to provide this information. Accordingly, we are not requesting that data for the prior fiscal year be included as part of the report.

5. Impact on Small Businesses or Other Small Entities

This data collection effort does not involve small businesses. Only state, territorial, and tribal program offices are involved.

6. Consequences of Collecting the Information Less Frequently

It is necessary to collect the data annually in order to determine the amount of funds available for reallotment, to perform any reallotment required, and to monitor grant recipients' compliance with the statutory requirement to carry forward no more than 10 percent of the funds payable during a fiscal year. Without this collection effort, there would not be timely reallotment of funds. The report is an effective way to obtain fiscal and performance data while the program is operating.

It is further necessary to collect data on unobligated Infrastructure Act funds and other supplemental funds with data on unobligated regular FY 2020 LIHEAP funds separately and simultaneously. This allows HHS to accurately determine the amount of LIHEAP funds subject to reallotment.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

No special circumstances require the form to be collected in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

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 a notice in in the *Federal Register* on February 11, 2022 ([87 FRN 8018](#)), providing a sixty-day period for public comment. OCS did not receive comments on this notice.

9. Explanation of Any Payment or Gift to Respondents

There are no payments or gifts associated with this data collection effort.

10. Assurance of Confidentiality Provided to Respondents

There is no assurance of confidentiality that is applicable to this collection.

11. Justification for Sensitive Questions

There are no sensitive questions in this collection.

12. Estimates of Annualized Burden Hours and Costs

The total annual reporting burden for the States, the District of Columbia, and Tribes for this report is estimated to be 1,442 hours. The estimated burden represents respondent time needed to review the form and its instructions, prepare responses, and submit the data. There will be 206 respondents submitting reports. We estimate the total average burden to be 7 hours per respondent. This estimate combines (1) three hours per respondent from the ICR renewal that OMB approved April 23, 2019; and (2) four additional hours per respondent to cover the breakouts of funds from ARPA and potential other supplemental appropriations. A tabular breakdown of the burden hours estimate appears below:

ANNUAL RESPONDENT BURDEN ESTIMATES

| Information Collection Title | Number of Respondents | Responses per Respondent | Average Burden Hours per Response | Annual Burden Hours | Average Hourly Wage ¹ | Total Annual Cost |
|----------------------------------|-----------------------|--------------------------|-----------------------------------|---------------------|----------------------------------|-------------------|
| Carryover and Reallotment Report | 206 | 1 | 7 | 1,442 | \$75.32 | \$108,611 |

We expect recordkeeping burden to be zero, given that grant recipients keep their records in automated data systems.

¹ Average hourly wage is the approximate average LIHEAP Coordinator salary, including fringe benefits and overhead. The estimate derived from OCS' estimate associated with the [supporting statement submitted under 202005-0970-008](#) inflated by three percent per year for two years.

There are no costs associated with or resulting from start-up or record keeping. The data generally are available as part of each grant recipient’s administrative planning for the program, and will not be prepared especially for this report. Therefore, we estimate the annual time and burdens to respondents for record keeping and start-up to be zero.

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no respondent costs associated with or resulting from start-up or record keeping other than those presented in our response to Question 12.. The data generally are available as part of each grant recipient’s administrative planning for the program, and will not be prepared especially for this report. We expect the respondents to incur no additional capital or start-up costs, given that the associated costs—i.e., those for secure data transfer and processing—will be borne by ACF’s contractor.

14. Annualized Cost to the Federal Government

The estimated federal cost of this information collection totals \$54,414. This estimate represents a \$41,974 increase from that on the [2020 non-substantial change ICR request](#); \$375 comes from additional federal staff costs and \$41,599 comes from additional contractor costs.

ANNUAL FEDERAL GOVERNMENT COST ESTIMATES

| Cost Item | Hours | Hourly Wage Rate (unloaded) ² | Loading % | Hourly wage rate (loaded) | ODCs | Total Cost |
|----------------------------|-------|--|-----------|---------------------------|--------|-------------|
| Federal Staff ³ | 83 | \$58.01 | 100% | \$116.02 | \$0.00 | \$9,630.00 |
| Contractor ⁴ | 447 | \$50.09 | 100% | \$100.19 | \$0.00 | \$44,784.00 |
| Total | 530 | | | | | \$54,414.00 |

15. Explanation for Program Changes or Adjustments

This request is for an extension with minor changes to the most recently approved report and instructions. The changes associated with this extension calls for grant recipients to report unobligated LIHEAP Infrastructure Act funds separately from those appropriated by the regular given-year appropriations acts. ACF needs this change to determine how much Infrastructure Act funds to reallocate or return to the Treasury.

Additionally, burden estimates have changed slightly to reflect the current number of grant recipients.

16. Plans for Tabulation and Publication and Project Time Schedule

² The hourly wage rate for federal staff derives from that of a GS-13 Step 5 employee in [OPM’s 2022 hourly wage rate table for General Schedule employees in Washington DC](#).

³ The federal staff hours estimate derived from OCS’ estimate associated with the [supporting statement submitted under 202008-0970-011](#).

⁴ The contractor staff hours estimate comes from an offhand estimate of one-third of the hours for the core subtasks related to the support of LIHEAP data collections in 75N92021P00340. The contractor’s wage rate estimate comes from the weighted average of the cognizant contractor’s FY22 wage rates for those tasks.

ACF will issue the form and its associated instructions in the form of an Action Transmittal. It will post the transmittal to its website and distribute the transmittal to LIHEAP grant recipients.

The form will be due by grant recipients, in estimated form, on August 1 of the federal fiscal year following that covered by the form. It will be due in final form on December 15 of that year. However, ACF will require grant recipients to update or correct their submissions after December 15 to the extent that their programs' circumstances warrant.

This form, as changed, will allow ACF to determine how much in the way of given-year LIHEAP funds must be reallocated to the following year. If ACF determines that that amount equals or exceeds \$25,000 then it will publish (1) a Federal Register notice (FRN) that states how much it plans to reallocate from each grant recipient; (2) a Dear Colleague Letter (DCL) that shows how much it ultimately reallocates and how much each grant recipient received; and (3) a second FRN that reiterates the information in the DCL.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB Clearance number and expiration date will be displayed on the form.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions necessary for this data collection effort.