

MEMORANDUM

TO: Office of Management and Budget

FROM: Assistant Secretary for the Office of Postsecondary Education

RE: Emergency Request for HEERF Data Collection approval

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 C.F.R. part 1320, the U.S. Department of Education (Department) requests that the following collection of information, HEERF Grant Extension Request Form , be processed in accordance with 5 C.F.R. § 1320.13 Emergency Processing.

The Higher Education Emergency Relief Fund (HEERF), originally established by Section 18004 of the Coronavirus Aid, Relief, and Economic Security (CARES Act) (Pub. L. 116-136) (March 27, 2020) and expanded through the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116-260) (December 27, 2020), and the American Rescue Plan (ARP) (Pub. L. 117-2) (March 11, 2021), authorizes the Secretary of Education to allocate formula grant funds to participating IHEs to address impacts of COVID-19. To date, the Department has made over 18,000 awards to over 5,100 institutions of higher education (IHEs) totaling \$76.3 billion. In both volume of grants and amount of funding, HEERF is one of the largest grant programs in agency history.

On June 30, 2023, the project period for most HEERF grants will end and any remaining unliquidated grant funds will be returned to Treasury.¹ Pursuant to 2 C.F.R. § 200.308(e)(2) and 34 C.F.R. § 75.261(a), grantees have the option to receive up to a twelve-month No-Cost Extension (NCE) of their grant project periods. This option is usually granted pro-forma in the Department's non-COVID relief programs; however, the regulation in 2 C.F.R. § 200.308(e)(2) requires that any extension must not be "exercised merely for the purpose of using unobligated balances"—that is, just because a grantee has leftover funds does not entitle them to continue using them after the end of the grant project period.

With the President's recent declaration that the COVID-19 national emergency will end on May 11, 2023, the Department feels compelled to assiduously determine if HEERF grantees that request an extension beyond June 30, 2023 have a thought-out plan for using their remaining HEERF grant funds to address the lingering effects and impacts related to COVID-19.

Additionally, as of this writing, the Department calculates that over 700 HEERF grantees still have at least \$1,000,000 of HEERF grant funds to expend, making individual outreach to such grantees both impracticable and inefficient.

Therefore, the Department is requesting emergency clearance and OMB approval in order to streamline our review and approval process as well as ensure that the reasons for requesting an

¹ This excludes some HEERF (a)(2) grantees that have explicitly received prior approval for completing construction projects, which typically take a longer time to complete than other allowable grant activities. In these circumstances, the Department has granted case-by-case longer project periods to complete the construction up until 2028.

extension of the HEERF project period beyond June 30, 2023 meet the applicable legal requirements.

As such, the Department has created a data collection form for HEERF grantees to provide the information required to request NCEs for up to an additional twelve months to spend their remaining HEERF grant balances. The form requests information that is required under 2 C.F.R. § 200.308(e)(2) and 34 C.F.R. § 75.261(a) to grant NCEs. The Department has attempted to reduce burden on grantees by requesting, prospectively, much of the same information that grantees report on in their HEERF annual performance reports. Providing a streamlined process for NCE requests will speed the process of reviewing and approving NCE requests and help ensure grantees are able to spend down their funds in a reasonable timeframe while focusing on the pressing needs of their students and institutions.

Given the short timeframe, the Department is unable to consult with the public prior to issuing the HEERF Grant Extension Request Form, however the Department has ample experience designing other similar forms in a way that is clear and minimizes burden. The Department requests approval of this submission by May 3rd, 2023. If this collection is not allowed to proceed, the Department will (1) not be able to efficiently process NCEs for HEERF grantees with remaining funds, (2) effectively monitor spending of grantees who will close out their grants at the end of the performance period, and (3) be unable to determine how grantees would utilize any extension in their project periods to address the lingering effects and impacts related to COVID-19 given the impending end of the COVID-19 national emergency.

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Assistant Secretary for
Postsecondary Education.