

Higher Education Emergency Relief Fund (HEERF) I, II and III Information Collection Form

Response to Comments: Docket Document ED-2024-SCC-0089.

Comment #	Comment	Response
ED-2024-SCC-0089-0007	<p>The expansion of the allowable uses of funds for IHEs that receive funds under the HEERF was enacted in March 2022. A list of what may be appropriately included in an IHEs' estimate of lost revenue is contained in HEERF Lost Revenue FAQs (March 19, 2021). Both were enacted during a national pandemic. It was indisputable that most changes in schools were forced by the pandemic, which served as a de facto qualifier for funding, so little scrutiny was applied.</p> <p>Now, in the absence of a national emergency and with the funding earmarked "to address impacts of the COVID-19", the list of categories for refundable losses (pages 3, 4, and 6 of the enclosed Annual Performance Report Form) needs to be revised down and ambiguous options such as "other" eliminated. It is concerning that ED makes no mentioning of verification methods it uses for checking the accuracy of IHEs' spending of funds.</p> <p>The misuses of pandemic relief funds by schools have been well published (https://www.propublica.org/article/the-federal-government-gave-billions-to-americas-schools-for-covid-19-relief-where-did-the-money-go).</p> <p>The scrutiny of IHEs' claim forms should be increased and defined; and the IHEs' reporting on spending of funds' money should be quarterly, reflecting restoration of actual losses, and with a coherent explanation as to how these losses were caused by the COVID-19 virus, and not other. The IHEs should have no difficulty to provide the number of their students recently diagnosed (by a qualified healthcare rep) with the COVID-19 virus of a contagious stage, and the associated losses of revenue to the IHE. There should be no instance of the fund paying for losses of revenue from rentals (e.g. receptions or enrollment declines) if persons simply do not want to use the IHE's facilities</p>	<p>The information collection does not establish or modify allowable expenses for HEERF funds. Rather, it requests information for grantees on expenditures based on previously established categories of allowable expenses allowing for monitoring activities based on this previously established framework. Addressing questions and concerns related to allowable uses of funds themselves is beyond the scope of this information collection.</p> <p>To the extent that "Other operating revenue" is a previously established lost revenue category, the information collection requests data from grantees for this category.</p> <p>The Department mandates both quarterly reporting and annual reporting. The purpose of this is information collection is to obtain annual reporting.</p> <p>The reference to 1995 is standard across all data collections and refers to when PRA requirements were established.</p>

	<p>for it. Similarly, the need for reimbursement of internet connection is outdated and should not come from monies meant for losses caused by COVID virus. Most of the items are no longer applicable.</p> <p>The enclosed Annual Performance Report Form (p. 4): “hiring more instructors and increasing campus hours of operations” is an irresponsible suggestion by the agency dispensing funding because the colleges would be more likely to appease at the expense of turning students into easy prey for local crime (walking through campus, neighborhood, or to public transport in the dark at 11PM, the ending of classes at our college). The IHE should only hire the number of instructors that the facilities can accommodate to hold classes till dusk time (similar to public parks), or offer weekend classes.</p> <p>The enclosed Information Collection Form directs that estimates of IHEs’ losses “should not include purchases of equipment or services ... made: [] prior to October 1, 1995”. Hopefully, this is a typo. The subsidizing of “purchases of equipment or services” from the COVID relief fund should not cover years prior to the establishing of that fund on March 27, 2020.</p> <p>“If this collection is not allowed to proceed, the Department will not be able to fulfill the HEERF program and legislative reporting requirements, will not be able to effectively monitor the use of funded activities, and the information will not be available for public reporting.” (ED’s response in the Information Collection Form)</p> <p>The Department’s response dramatizes and makes sound grave a scenario of its proposal not getting passed. This interchangeable tool, fitting most proposed rules, should not be used to pressure for a desired decision. If existing regulations do not allow for the sought outcome, then the Department has a choice to propose a new rule.</p>	
ED-2024-SCC-0089-0005	The previously approved collection mentioned in the Abstract should have been named by its number and included with this ICR for the public’s consideration as a part of commenting.	The supporting statement has been revised to note the previously approved collection OMB number (1840-0850). Note, since this is a revision, the OMB number does not change.

ED-2024-SCC-0089-0005	There are two supplemental forms included with this docket. Neither one identifies revision items (the wording added or the wording removed compared to the prior iteration), which removes details central to commenting on this revision proposal.	The supporting statement has been revised to include a summary table of the proposed information collection revision and includes a footnote with the link to the prior collection for comparison.
ED-2024-SCC-0089-0005	From the text of the docket, there is no way to judge whether the proposed loosening of requirements is to bypass the established criteria meant to guard the fund. COVID ended on May 11, 2023, and allegedly, "specific grant activities ... have expired and many of the items have become moot". (No cited section accompanies this statement.) ED was also aware that "[o]n June 30, 2023, the project period for most HEERF grants will end". (ED-2023-SCC-0074) ED, a Cabinet-level Department, had a duty to plan ahead instead of filing for removal of the fund(s) protections at the last minute. As-is, the proposal to loosen criteria for accessing relief funds may be being used for "[p]roviding a streamlined process ... [to] speed ... reviewing and approving [] requests and help ensure [IHE] grantees are able [->]to spend down their funds[←-]". (ED-2023-SCC-0074) The point of a tax-provided relief fund is to restore and not to enrich.	The purpose of this information collection is to obtain information on how grantees used grant funds based on previously established policies and procedures. For example, it was previously established that Student Aid Portion program funds obligated under 84.425E had expired making it impossible for grantees to expend these funds in 2024. Therefore, it no longer makes sense to ask grantees to report how they used student aid expenditures in 2024. The revision does not loosen requirements on uses of funds, rather it limits requests for information to only relevant activities given previously established policies and procedures.
ED-2024-SCC-0089-0005	"Abstract: Under the current unprecedented national health emergency, the legislative and executive branches of government have come together to offer relief ... to those ... affected by the COVID-19 virus." Gross misstatement. The public health emergency related to COVID-19 is no longer current: it ended on May 11, 2023. There is no other current public health emergency.	The supporting statement has been revised to reference the health emergency in the past tense.
ED-2024-SCC-0089-0005	"This represents a minority of institutions that are received HEERF." "HEERF grantees will be respond to the information collection in the spring/summer of calendar years 2025 and 2026." "the proposed revision includes only a subset of items that are were already in the prior version of form." Nonsensical statements, may have double-meanings. It is required for agencies' "regulatory ... approaches [to] ... provi[de] [] information to the	The supporting statement has been revised to repeat information that was stated in the proposed data collection form. For example, the document now clarifies that prior versions of this information collection have already been used to obtain information on HEERF grantees for grant implementation activities in

	public in a form that is clear and intelligible.”(EO 13563)	calendar years 2020, 2021, 2022, and 2023. Further, the revision clarifies that this information collection is to obtain information activities in 2024 and after. After 2024 concludes, grantees will be able to submit information about 2024 activities in 2025. After 2025 concludes, grantees will be able to submit information about 2025 activities in 2026. As noted above, the proposed revision only requests relevant information based on previously established policies and procedures.
ED-2024-SCC-0089-0005	<p>The proposal eases the IHEs’ access to grants, and that would promote supportive comments from the IHEs and their representatives; the poor writing of this proposal, its lack of clarity and withheld information stifles comments from the rest of the public, creating “disparate ... influence” (EO 14094); skewing the upcoming required summary of this Notice’s public comments; weakening “public trust”. (EO 14094)</p> <p>Because this public commenting was compromised and the next 30-day period is shorter than the 60 minimum days required, the commenting time should be extended after the proposal gets edited for clarity. The Executive Orders do not set a maximum number of days. Therefore, the docket’s current 60 useless days should be replaced with new 60 days for comments.</p> <p>“[E]ach agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.” (EO 12866)</p> <p>The text of the proposal is inconsistent with the principles set forth in three Executive Orders, as demonstrated above. This should be reviewed by OMB. This rulemaking should not advance until revised.</p>	All HEERF funds have already been obligated by the Department. This information collection is not an application that allows institutions to request additional grant funds. Rather, this information collection will be used to obtain information from grantees who have prior awarded grants to submit information about how they used those funds. The public comment period was not compromised as the initial supporting statement clearly indicated that this was about “reporting requirements to comply with the requirements of the HEERF program and obtain information on how the funds were used.” Further the header of the information collection form describes the purpose of the form.
ED-2024-SCC-0089-0006	Please consider that simplifying eligibility to the designated funds and reducing requirements for IHE reporting of how the monies are used provides IHEs administrators with an opportunity to to use it beyond the funds’ purpose.	The information collection does not propose simplifying eligibility, nor does it request any information on eligibility to obtain HEERF funds. Rather, it requests information from

<p>Please explain why (other than using up the fund because it is there) the inability to qualify under original restrictions does not signify that the purpose of the funds have been fulfilled.</p> <p>Please name the Agency who established the restrictions.</p> <p>Any funds related to the COVID-19 statutes released by ED through conditions other than those originally established should be reported and published by ED so to exclude these monies from the national count of COVID-19 emergency costs.</p> <p>Enriching IHE corporations is not the same as investing in education. There is no reported imminence of IHEs collapsing from the COVID-19 loss of revenue.</p> <p>(Reciprocally, would ED loosen eligibility criteria to its grants and loans for person-reipients, who could, for example, use those funds to succeed through travel and meditation, as opposed to through an education institution?)</p> <p>Simplifying eligibility to the designated funds and reducing requirements for IHE reporting of how the monies are used provides IHEs administrators with discretion to to use it beyond the funds' purpose. ED's proposed rule is in fact a re-purposing of the COVID-19 relief fund and should be petitioned as such.</p>	<p>grantees who were previously determined to be eligible and subsequently received grant funds. Addressing questions and concerns related to eligibility and restrictions on uses of funds is beyond the scope of this information collection.</p> <p>In terms of reporting, reported expenditures are published on https://covid-relief-data.ed.gov/ in the form of data visualizations and downloadable data files. The public can conduct analysis of these data including analysis using analyst interpretations of grant restrictions at different points in time.</p>
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