

**Recipient's Certification and Agreement
for Funds under Section 18004(a)(3) of the Higher Education Emergency Relief Fund,
Coronavirus Aid, Relief, and Economic Security (CARES) Act**

Section 18004(a)(3) of the CARES Act, Pub. L. No. 116-136 (March 27, 2020), authorizes the Secretary of Education ("Secretary") to allocate funds in the amount provided in the column labeled "Total Allocation" on Table [insert name of table], which is hereby incorporated by reference, to _____ ("Recipient").

Section 18004(a)(3) of the CARES Act authorizes the Secretary to allocate funds for part B of Title VII of the Higher Education Act of 1965, as amended ("HEA"), for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus. Pursuant to Section 18004(d)(1) of the CARES Act, the Secretary gave priority to any institution of higher education that is not otherwise eligible for funding under Sections 18004(a)(1) and 18004(a)(2) of the CARES Act of at least \$500,000 and demonstrates significant unmet needs related to expenses associated with coronavirus.

Pursuant to Section 18004(a)(3) of the CARES Act, Recipient may use the funds to defray expenses incurred by Recipient, including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll ("Recipient's Expenses"). Recipient also may use these funds for grants to students for any component of the student's cost of attendance, as defined under Section 472 of the HEA, including food, housing, course materials, technology, health care, and child care ("Student Grants" or "Student Grant").

Pursuant to Secretary's authority under the CARES Act and associated with the coronavirus emergency, as stated in Proclamation 9994 of March 13, 2020, "Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," *Federal Register* Vol. 85, No. 53 at 15337-38 (hereinafter "Proclamation of National Emergency"), the Secretary and Recipient agree as follows:

1. The Secretary will provide Recipient funds for Recipient's Expenses and Student Grants under Section 18004(a)(3) of the CARES Act.

2. Recipient agrees that the amount of the funds stated in this Certification and Agreement is the full amount that Recipient may receive under Section 18004(a)(3) of the CARES Act unless Recipient applies for a grant through any competitive grant process the Secretary creates to disburse the remainder of the funds under Section 18004(a)(3).

3. Although the CARES Act does not require Recipient to use at least 50% of the funds for grants to students (as is required under funds received under Section 18004(a)(1) and Section 18004(c) of the CARES Act), the Secretary urges Recipient to devote the maximum possible amount of the funds to Student Grants, including some or all of the funds that a Recipient may use for Recipient's Expenses, especially if Recipient has a significant endowment or other resources at its disposal. The Secretary urges Recipient to take strong measures to ensure that Student Grants are made to the maximum extent possible.

4. In consideration for the funds and as conditions for their receipt, Recipient warrants, acknowledges, and agrees that:

(a) The funds shall be used solely for the purposes authorized in Section 18004(a)(3) of the CARES Act.

(b) Recipient must submit this Certification and Agreement on or before August 1, 2020 through the website, grants.gov (<https://www.grants.gov>).

(c) Consistent with Section 18006 of the CARES Act, Recipient agrees that to the greatest extent practicable, Recipient will pay all of its employees and contractors during the period of any disruptions or closures related to the coronavirus. The Department would not consider the following to constitute Recipient's Expenses and, therefore, would not view them as allowable expenditures: senior administrator and/or executive salaries, benefits, bonuses, contracts, incentives; stock buybacks, shareholder dividends, capital distributions, and stock options; and any other cash or other benefit for a senior administrator or executive.

(d) Recipient's Expenses must have been first incurred on or after March 13, 2020, the date of the Proclamation of National Emergency.

(e) If Recipient is a Historically Black College and University or a Minority Serving Institution, then consistent with Section 18004(d)(2) of the CARES Act, Recipient may use prior awards provided under Titles III, V, and VII of the HEA to prevent, prepare for, and respond to coronavirus. Should Recipient avail itself of this flexibility, it must maintain appropriate records and cost documentation as required by 2 CFR 200.302 and 2 CFR 200.333 to separately account for prior award funds used to prevent, prepare for, and respond to coronavirus.

(f) Recipient will comply with all reporting requirements including those in Section 15011(b)(2) of Division B of the CARES Act and submit required quarterly reports to the Secretary, at such time and in such manner and containing such information as the Secretary may reasonably require (See also 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future under Sections 15011(b)(2) and 18004(e), including but not limited to reporting on the use of the funds for Recipient's Expenses, demonstrating such use was in accordance with Section 18004(a)(3), accounting for the amount of reimbursements to Recipient for costs related to refunds made to students for housing, food, or other components of the student's cost of attendance that Recipient could no longer provide, and describing any internal controls Recipient has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles. For grants made to students, the Recipient should maintain records on how grants were distributed to students, how the amount of each grant was calculated, and any instructions or directions given to students about the grants. Recipient also should maintain records on the amount of each grant awarded to each student for production only upon the request of a federal agency.

(g) Recipient shall comply with all requirements in Attachment A to this Certification and Agreement.

(h) Recipient shall promptly and to the greatest extent practicable use the funds for Recipient's Expenses and Student Grants by one year from the date of this Certification and Agreement, and document its efforts to do so as part of the report specified in subsection (e) above.

(i) Recipient shall cooperate with any examination of records with respect to the funds for Recipient's Expenses and Student Grants by making records and authorized individuals available when requested, whether by (i) the U.S. Department of Education and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.

(j) Recipient's failure to comply with this Certification and Agreement, its terms and conditions, and/or all relevant provisions and requirements of the CARES Act or any other applicable law may result in Recipient's liability under the False Claims Act, 31 U.S.C. § 3729, *et seq.*; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; 18 USC § 1001, as appropriate; and all of the laws and regulations referenced in Attachment A, which is incorporated by reference hereto.

RECIPIENT or Authorized Representative of Recipient _____

OPEID Number _____

DATE _____

**Attachment A to Recipient’s Certification and Agreement
for Funds under Section 18004(a)(3) of the
Coronavirus Aid, Relief, and Economic Security (CARES) Act**

Recipient assures and certifies the following:

- Recipient will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; nondiscrimination; Hatch Act provisions; labor standards; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.
- With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; Recipient will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” when required (34 C.F.R. Part 82, Appendix B); and Recipient will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.
- Recipient will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1840-XXXX. The time required to complete this information collection is estimated to be XXXX total burden hours. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: Hilary Malawer, 400 Maryland Avenue, SW. Washington, D.C. 20202.