

**Coronavirus Response and Relief Supplemental Appropriations Act, 2021  
Certification and Agreement (CFDA 84.425F) ((a)(1) Institutional Portion)**

**PUBLIC AND NONPROFIT INSTITUTION GRANT FUNDS FOR INSTITUTIONS**

The terms, conditions, and requirements governing your institution's (Recipient's) use of these grant funds awarded pursuant to section 314(a)(1) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116-260) (award or grant) by the U.S. Department of Education (Department) are governed by section 314 of the CRRSAA and the following terms and conditions of this Certification and Agreement (C&A):

**Use of Grant Funds:**

1. As a condition for receiving grant funds for Recipient's Institutional Costs in this Certification and Agreement, Recipient must have also entered into the Public and Nonprofit Institution Grant Funds for Students Certification and Agreement under the CRRSAA (CFDA 84.425E).
2. Under section 314(c) of the CRRSAA, Recipient may use these grant funds for Recipient's Institutional Costs to defraying expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); carrying out student support activities authorized by the Higher Education Act of 1965, as amended (HEA) that address needs related to coronavirus; and making additional financial grants to students.
3. Recipient acknowledges that no grant funds may be used to fund contractors for the provision of pre-enrollment recruitment activities; marketing or recruitment; endowments; capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship; senior administrator or executive salaries, benefits, bonuses, contracts, incentives; stock buybacks, shareholder dividends, capital distributions, and stock options; or any other cash or other benefit for a senior administrator or executive.
4. Recipient may, but is not required to, use funds designated for Recipient's Institutional Costs to provide additional financial aid grants to students. If Recipient chooses to use these grant funds designated for Recipient's Institutional Costs to provide additional financial aid grants to students, then those funds are subject to the requirements in the Public and Nonprofit Institution Grant Funds for Students Certification and Agreement.
5. The Secretary urges Recipient to devote the maximum amount of funds possible to financial aid grants to students, including some or all of the funds allocated for Recipient's Institutional Costs. The Secretary urges Recipient to take strong measures to ensure that financial aid grants to students are made to the maximum extent possible.

6. Recipient must promptly notify the Department if Recipient was required or will be required to remit payment to the Internal Revenue Service for the excise tax paid on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 via the form provided as ATTACHMENT X in this GAN, pursuant to section 314(d)(6) of the CRRSAA. Recipient acknowledges that if it was required to remit payment to the Internal Revenue Service for this excise tax paid, and if it is not an institution that has been designated as an eligible work college under HEA section 448, 20 USC § 1087-58:
  - a. Recipient must not draw down more than 50% of its total allocation received under CRRSAA section 314(a)(1) (combined Student Aid Portion and Institutional Portion grants under CFDA 84.425E and 84.425F), unless and a waiver of this condition has requested by Recipient and until approved by the Secretary under CRRSAA section 314(d)(6)(B).
  - b. Recipient must use its remaining available funds only for financial aid grants to students consistent with CRRSAA section 314(c)(3), or for sanitation, personal protective equipment, or other expenses associated with the general health and safety of the campus environment related to the qualifying emergency, unless a waiver of this condition has been requested by Recipient and until approved by the Secretary under CRRSAA section 314(d)(6)(B), and subject to other applicable requirements in section 314.

**Grant Administration:**

7. Recipient acknowledges that consistent with 2 CFR § 200.305, it must minimize the time between drawing down funds from G5 and paying incurred obligations (liquidation). Recipient further acknowledges that if it draws down funds and does not pay the incurred obligations (liquidates) within 3 calendar days it may be subject to heightened scrutiny by the Department, Recipient's auditors, and/or the Department's Office of the Inspector General (OIG). Recipient further acknowledges that returning funds pursuant to mistakes in drawing down excessive grant funds in advance of need may also be subject to heightened scrutiny by the Department, Recipient's auditors, and/or the Department's OIG. Finally, Recipient acknowledges that it must maintain drawn down grant funds in an interest-bearing account, and any interest earned on all Federal grant funds above \$500 (all Federal grants together) during an institution's fiscal year must be returned (remitted) to the Federal government via a process described here: <https://www2.ed.gov/documents/funding-101/g5-returning-interest.pdf>.
8. Recipient may charge indirect costs to funds made available under this award consistent with its negotiated indirect cost rate agreement. If Recipient does not have a current negotiated indirect cost rate with its cognizant agency for indirect costs, it may appropriately charge the *de minimis* rate of ten percent of Modified Total Direct Costs (MTDC). Recipient may also charge reasonable direct administrative costs to funds made available under this award.

9. Recipient acknowledges that any obligation under this grant (pre-award costs pursuant to 2 CFR § 200.458) must have been incurred on or after December 27, 2020, the date of the enactment of the CRRSAA.
10. Recipient must promptly and to the greatest extent practicable expend all grant funds from this award within the one-year period of performance (2 CFR § 200.77) specified in Box 6 of this Grant Award Notification (GAN).
11. Recipient must, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus pursuant to section 315 of the CRRSAA.

**Reporting and Accountability:**

12. Recipient must promptly and timely report to the Department on the use of funds no later than 6 months after the date of this award in a manner to be specified by the Secretary pursuant to section 314(e) of the CRRSAA. Recipient must also promptly and timely provide a detailed accounting of the use of funds provided by this award in such manner and with such subsequent frequency as the Secretary may require. Recipient will comply with any other applicable reporting requirements including those in Section 15011(b)(2) of Division B of the CARES Act. Recipient acknowledges the Department may require additional or more frequent reporting to be specified by the Secretary.
13. Recipient must comply with all requirements of the Single Audit Act Amendments of 1996, 31 USC § 7501, et seq. (Single Audit Act) and all applicable auditing standards. Considering that the HEERF grant program is a new program not previously audited or subjected to Department oversight, and the inherent risk that comes with a new program, the Department strongly suggests that the HEERF grant program be audited as a major program in the first fiscal year(s) that the institution received a HEERF grant.
14. Recipient acknowledges it is under a continuing affirmative duty to inform the Department if Recipient is to close or terminate operations as an institution or merge with another institution. In such cases, Recipient must promptly notify in writing the assigned education program officer contact in Box 3. Additionally, Recipient must promptly notify the assigned education program officer if the Recipient's Authorized Representative changes.
15. Recipient must cooperate with any examination of records with respect to the advanced funds by making records and authorized individuals available when requested, whether by (i) the Department and/or its OIG; or (ii) any other Federal agency, commission, or department in the lawful exercise of its jurisdiction and authority. Recipient must retain all financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award for a period of three years from the date of submission of the final expenditure report pursuant to 2 CFR § 200.334.

16. Recipient acknowledges that failure to comply with this Certification and Agreement, its terms and conditions, and/or all relevant provisions and requirements of the CRRSAA or any other applicable law may result in Recipient’s liability under the False Claims Act, 31 USC § 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 herein.

**Applicable Law:**

17. Recipient must comply with all applicable assurances in OMB Standard Forms (SF) SF-424B and SF-424D (Assurances for Non-Construction and Assurances for 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.

18. Recipient certifies that 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 supplementing of Federal grants under this program; Recipient must complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” when required (34 CFR part 82, Appendix B).

19. Recipient must 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, 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.

<p><b>Institution Name:</b> _____</p> <p><b>Authorized Representative (typed name):</b> _____</p> <p><b>Authorized Representative Title:</b> _____</p> <p><b>DUNS Number:</b> _____</p> <p><b>OPE ID:</b> _____</p> <p><b>Date:</b> _____</p>
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**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 1840-0842. Public reporting burden for this collection of information is estimated to average 5 hours per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Section 314(a)(1) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Pub. L. 116-260)). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Karen Epps, 400 Maryland Avenue, SW. Washington, D.C. 20202 directly.