

**American Rescue Plan Act of 2021  
Certificate and Agreement for an Award under ARP (a)(2)  
(ALNs 84.425 J, K, L, M)**

**NEW GRANT FUNDS**

The terms, conditions, and requirements governing your institution's (Recipient's) use of these grant funds awarded pursuant to section 2003 of the American Rescue Plan Act of 2021 (ARP) (Pub. L. 117-2) (award or grant) by the U.S. Department of Education (Department) are governed by section 2003 of the ARP and section 314 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116-260) and the following terms and conditions of this Certificate and Agreement.

**BY DRAWING DOWN THESE GRANT FUNDS, YOU AGREE TO BE BOUND BY THE CONDITIONS SET FORTH ON BEHALF OF THE INSTITUTION YOU REPRESENT, AND YOU WARRANT THAT YOU HAVE THE AUTHORITY TO BIND THE INSTITUTION TO THE FOLLOWING CONDITIONS:**

**Use of Grant Funds:**

1. Section 314(a)(2) of CRRSAA authorizes the Secretary to make additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act of 1965, as amended (HEA), to address needs directly related to the coronavirus. These awards are allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94).
2. Pursuant to Section 2003 of ARP and Section 314(c) of CRRSAA, Recipient may use this award to defray expenses associated with the coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and make additional emergency financial grants to students, which may be used for any component of the student's cost of attendance or for emergency costs that arise due to the coronavirus, such as tuition, food, housing, health care (including mental health care), or child care.
3. Under section 2003(5) of the ARP, Recipient must use a portion of their funds received to (a) implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines and (b) conduct direct outreach to financial aid applicants about the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or independent student, or other circumstances, described in section 479A of the HEA (20 USC § 1087tt).
4. Recipient may, but is not required to, use funds designated for Recipient's institutional costs to provide additional emergency financial aid grants to students. If Recipient chooses to use these grant funds designated for Recipient's institutional costs to provide additional emergency financial aid grants to students, then those funds are subject to the

requirements described in the ARP Grant Funds for Students Agreement.

5. The Secretary urges Recipient to devote the maximum amount of funds possible to emergency financial aid grants to students. The Secretary urges Recipient to take strong measures to ensure that emergency financial aid grants to students are made to the maximum extent possible.
6. Recipient acknowledges that no grant funds may be used to fund construction; acquisition of real property; 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, or stock options; or any other cash or other benefit for a senior administrator or executive.
7. Recipient acknowledges that it may voluntarily decline all or a portion of its ARP (a)(2) funds. The recipient may indicate this by submitting the [Voluntary Decline of HEERF form](#) (OMB Control Number 1840-0856) to the Department by August 11, 2021. Recipient further acknowledges if it submits this form, it will be ineligible for the future redistribution of ARP HEERF grant funds to other institutions with greater needs due to the coronavirus.

**Grant Administration:**

8. 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 three calendar days it may be subject to heightened scrutiny by the Department, Recipient's auditors, and/or the Department's Office of 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>.
9. 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) under 2 CFR § 200.414. Recipient may also charge reasonable direct administrative costs to the supplemental funds made available under this award.

10. Recipient acknowledges that any obligation under this grant (pre-award costs pursuant to 2 CFR § 200.458) must have been incurred on or after March 13, 2020, the date of the declaration of a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak ([85 FR 15337](#)).
11. 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).
12. Recipient must, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to the coronavirus pursuant to section 315 of the CRRSAA.
13. Recipient acknowledges that its failure to draw down any amount (\$1 or more) of its HEERF grant funds from the institution's HEERF account within 90 days of the date of this award will constitute nonacceptance of the terms, conditions, and requirements of this Agreement and of these grant funds. In such event, the Department, in its sole discretion, may choose to deobligate these grant funds or take other appropriate administrative action, up to and including terminating the grant award pursuant to 2 CFR § 200.340.

**Reporting and Accountability:**

14. Recipient must promptly and timely provide a detailed accounting of the use and expenditure of the funds provided by this award in such manner and with such frequency as the Secretary may require.
15. 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.
16. Recipient acknowledges it is under a continuing affirmative duty to inform the Department if Recipient is to lose its accreditation, 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 specialist contact in Box 3. Additionally, Recipient must promptly notify the assigned education program specialist if the Recipient's Authorized Representative changes.
17. 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 (a) the Department and/or its OIG; or (b) 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.

18. Recipient acknowledges that failure to comply with this Certificate and Agreement, its terms and conditions, and/or all relevant provisions and requirements of the CRRSAA or ARP 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 the "Applicable Law" section below of this Certificate and Agreement.

**Applicable Law:**

19. 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.
20. 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).
21. 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.

**Institution Name:** \_\_\_\_\_

**Authorized Representative (typed name):**

\_\_\_\_\_

**Authorized Representative Title:**

\_\_\_\_\_

**DUNS Number:** \_\_\_\_\_

**OPE ID:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### **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 1840-0843. 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 (American Rescue Plan Act of 2021 (Pub. L. 117-2)). 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.

OMB Number: 1840-0843  
Expiration Date: 12/31/2023