

# HEERF Certification and Agreement

Coronavirus Response and Relief Supplemental Appropriations Act, 2021  
Certification and Agreement (CFDA 84.425Q) ((a)(4) Program)

PROPRIETARY INSTITUTION GRANT FUNDS FOR STUDENTS

The terms, conditions, and requirements governing your institution's (Recipient's) use of these grant funds awarded pursuant to section 314(a)(4) 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. Section 314(d)(7) of the CRRSAA requires Recipient, as an institution of higher education as defined in section 102(b) of the Higher Education Act of 1965, as amended (HEA), 20 USC § 1002(b), to use the funds received only for activities described in section 314(c)(3) of the CRRSAA.
2. Under section 314(c)(3) of the CRRSAA, Recipient must make financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus, such as tuition, food, housing, health care (including mental health care) or child care.
3. Recipient acknowledges that it retains discretion to determine the amount and availability of each individual financial aid grant consistent with all applicable laws, including non-discrimination laws. Recipient further acknowledges that under section 314(c)(3), it must prioritize grants to students with exceptional need, such as students who receive Pell Grants. However, students do not need to be Pell recipients or students who are eligible for Pell grants in order to receive a financial aid grant.
4. Recipient acknowledges that it may not condition the receipt of such a financial aid grant on continued or future enrollment with the Recipient. Recipient also acknowledges that it may not require a student to consent to the application of the financial aid grant to the student's outstanding account balance with Recipient as a condition of receipt of or eligibility for the financial aid grant.
5. In consideration for this award, Recipient agrees that Recipient holds these grant funds in trust for students and acts in the nature of a fiduciary for students.
6. Recipient acknowledges that the Secretary recommends (a) the maximum Federal Pell Grant for the applicable award year as an appropriate maximum amount for a student's financial aid grant in most cases, and (b) that the Recipient should consider each student's particular socioeconomic circumstances in the administration of these grants.



7. The Secretary strongly encourages Recipient's financial aid administrator to exercise the use of professional judgment available under HEA section 479A, 20 USC § 1087tt, to make adjustments on a case-by-case basis to exclude individual financial aid grants from the calculation of a student's expected family contribution. The Secretary does not consider these individual financial aid grants to constitute Federal financial aid under Title IV of the HEA.
8. Recipient must notify the Department within 30 days of making a determination that it is 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 Required Notification of Endowment Excise Tax Paid form, 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, unless a waiver of this condition has requested by Recipient and until approved by the Secretary under CRRSAA section 314(d)(6)(B).
  - b. Under sections 314(d)(6) and 314(d)(7) of the CRRSAA, Recipient must use its remaining available funds only for financial aid grants to students consistent with CRRSAA section 314(c)(3).

**Grant Administration:**

9. 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 15 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>.
10. Recipient may not charge any indirect or administrative costs to funds made available under this award because the allocation in this grant award represents an amount of funds that must be distributed to students.



11. 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.
12. Recipient must promptly and to the greatest extent practicable distribute all grant funds from this award in the form of financial aid grants to students within the one-year period of performance (2 CFR § 200.77) specified in Box 6 of this Grant Award Notification (GAN).
13. 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:**

14. 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.
15. Recipient must have a compliance audit conducted of its administration of the HEERF grant for any institutional fiscal year during which Recipient expended \$500,000 or more in total HEERF grant funds, whether under section 18004(a)(1) of the CARES Act or section 314(a)(4) of the CRRSAA, or was on Federal Student Aid's Heightened Cash Monitoring (HCM) 1 or 2 list during any point of the institution's fiscal year in which it expended any HEERF grant funds (<https://studentaid.gov/data-center/school/hcm>). The HEERF compliance audit must be conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, and the applicable audit guide developed by the Department's Office of Inspector General. To the extent practicable, the annual Title IV audit may be used to cover certain areas of the HEERF audit if separately auditing those areas would be duplicative. The Department will communicate with grantees on timing and audit submission procedures.
16. 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 of the GAN. Additionally, Recipient must promptly notify the assigned education program officer 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 (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.

18. 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 the "Applicable Law" section of this Certification and Agreement, below.

**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; 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 Subparts A through E of 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.

