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Christopher J. McCaghren,

Acting Assistant Secretary for Postsecondary Education.

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DEPARTMENT OF EDUCATION

Notice Inviting Applications for Funds Under the Higher Education Emergency Relief Fund (HEERF), Section 314(a)(1); Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is announcing the availability of new HEERF grant funding under section 314(a)(1) of the CRRSAA and inviting applications from public and nonprofit institutions that did not previously receive funding under section 18004(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This notice relates to the approved information collections under OMB control numbers 1801-0005 and 1840-0842.

DATES:

Applications Available: January 15, 2021.

Deadline for Transmittal of Applications: Applications will be accepted on a rolling basis until April 15, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.

FOR FURTHER INFORMATION CONTACT:

Karen Epps, U.S. Department of Education, 400 Maryland Avenue SW, Room 250-64, Washington, DC 20202. Telephone: The Department of Education HEERF Call Center at (202) 377-3711. Email: HEERF@ed.gov. Please also visit our HEERF website at: <https://www2.ed.gov/about/offices/list/ope/crrsaa.html>.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

Background: On December 27, 2020, the President signed into law the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116-260). This law makes available approximately \$22.7 billion for institutions of higher education under the Higher Education Emergency Relief Fund (HEERF), with funding appropriated for the existing (a)(1), (a)(2) and (a)(3) programs previously authorized under the CARES Act, as well as funding for a new (a)(4) program authorized under the CRRSAA.

With this notice, the Secretary is announcing the availability of HEERF grant funds under the CRRSAA section 314(a)(1) programs (CFDAs 84.425E and 84.425F). These programs, with some changes, are a continuation of the CARES Act section 18004(a)(1) program which the Department implemented as two funding streams: the Student Aid Portion (CFDA 84.425E) for financial grants to students, and the Institutional Portion (CFDA 84.425F) for institutional uses of funds related to the coronavirus.

Eligible institutions are institutions of higher education, as defined in sections 101 and 102(c) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1001, 1002(c). Allocations for these programs will be calculated according to the formula in section 314(a)(1) of the CRRSAA. Under CRRSAA section 314(c), grant awards under these programs may be used to (1) defray 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); (2) carry out student support activities authorized by the HEA that address needs related to coronavirus; or (3) provide 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. In making financial aid grants to students, an institution of higher education must prioritize grants to students with exceptional need, such as students who receive Pell Grants.

Given section 314(d)(8) of the CRRSAA not requiring institutions of higher education that previously received grants under section 18004(a)(1) of the CARES Act to submit new or revised applications to receive this funding, the Department will be automatically awarding supplemental

funds to eligible institutions that previously received a section 18004(a)(1) Student Aid Portion or Institutional Portion award under the CARES Act. No action is required by eligible institutions to receive these supplemental awards. The Project Director identified on the most current Grant Award Notification (GAN) will automatically receive an email indicating a supplement award has been made to your institution. Please note that drawing down any amount of these supplemented funds constitutes an institution's acceptance of the new terms and conditions under the CRRSAA and a new Supplemental Agreement, which are included as attachments to this notice for reference.

Not every institution that received grants under CARES Act section 18004(a)(1) will receive a supplement. First, the CRRSAA prohibits proprietary institutions from receiving supplemental funding under section 314(a)(1) and creates a new program for these institutions under section 314(a)(4). More information, including instructions on how to apply for (a)(4) funding, is provided in a separate notice.

Second, institutions that have not yet complied with the reporting requirements of the CARES Act may receive delayed supplemental (a)(1) awards and/or may receive awards with a restriction on the ability to drawdown those awarded funds (stop payment status) until the institution has satisfied its CARES Act HEERF reporting obligations.

Institutions that did not receive a CARES Act section 18004(a)(1) award but are on the Department's published section 314(a)(1) allocation table for CRRSAA may apply for and receive section 314(a)(1) Student Aid Portion (CFDA 84.425E) and Institutional Portion (CFDA 84.425F) grant awards. Pursuant to CRRSAA section 314(f), an institution must apply for funds within 90 days of the publication of this notice.

Finally, for an institution that paid or will be required to pay the endowment excise tax in tax year 2019 ("endowment tax institutions"), the institution's CRRSAA section 314(a)(1) allocation will be reduced by 50% under section 314(d)(6) of the CRRSAA. Endowment tax institutions must only use their allocations for financial aid grants to students under 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 coronavirus emergency. A limited exception to this requirement is provided for any endowment tax

institution that participates in the work colleges program authorized under section 448 of the Higher Education Act of 1965, as amended. Endowment tax institutions must complete and submit a form disclosing this tax status available on the Department's HEERF website. Endowment excise tax institutions may also seek a waiver of these limitations.

Program Authority: Section 314 of Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget 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. (c) 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.

II. Award Information

Type of Award: Formula grants.

Estimated Available Funds:

Approximately \$20,500,000,000 will be used to make awards under this program. This amount includes new funds allocated under the CRRSAA, and both unspent CARES Act funds under CARES Act section 18004(a)(1) and unspent Project SERV funds that were reallocated per CRRSAA section 314(d)(4).

Grant Period: Institutions must expend funds received under this program within 12 months of obligation of the funds by the Department.

III. Eligibility Information

1. *Eligible Applicants:* Public and Private Nonprofit IHEs, as defined in section 101 and section 102(c) of the HEA.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* Subgrantees are not allowed under this program.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to submit their applications using *Grants.gov*. The *Grants.gov* Funding Opportunity Numbers are ED-GRANTS-041020-003 for the Student Aid Portion and ED-GRANTS-042120-004 for the Institutional Portion. Applications must be submitted by XXX

Date [90 days after publication]. To register to use *Grants.gov*, please visit their "How to Apply for Grants" web page (<https://www.grants.gov/applicants/apply-for-grants.html>), or call their Applicant Support helpdesk at 1-800-518-4726.

Each completed application for a Student Aid Portion or Institutional Portion grant must consist of:

- A complete SF-424;
- A Certification and Agreement (Student Aid Portion Certification and Agreement (Gold C&A), or the Institutional Portion Certification and Agreement (Blue C&A), as appropriate); and

- The Required Notification of Endowment Excise Tax Paid (if applicable).

Note: The applicant must submit the corresponding Certificate and Agreement for the funds requested. No institution will receive an Institutional Portion grant if they do not also apply for their Student Aid portion. Each Certificate and Agreement must be completed and include the correct OPE ID and DUNS number of the institution for which you are requesting funds. Each grantee will receive the amount calculated for them and listed in Department's published section 314(a)(1) allocation table.

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make timely awards.

3. *Funding Restrictions:* Specified in each program's Certification and Agreement or Supplemental Agreement.

4. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* In general, to do business with the Department of Education, you must—

(a) Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

(b) Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

(c) Provide your DUNS number and TIN on your SAM application; and

(d) Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can

obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. Given the national emergency related to COVID-19, the Department may accept an application without an active SAM registration and may allow registered SAM users whose registrations expire before May 16, 2020, an additional 60 days to update their registration, consistent with the Office of Management and Budget Memo M-20-17.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: www2.ed.gov/fund/grant/apply/sam-faqs.html.

V. Award Administration Information

1. *Award Notices:* If you receive a grant award under this program, we will send you a Grant Award Notification (GAN), or we may send you an email containing a link to access an electronic version of your GAN.

2. *Reporting:* Reporting requirements are specified in each program's Certification and Agreement or Supplemental Agreement.

VI. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Christopher J. McCaghren,
Acting Assistant Secretary for Postsecondary Education.

Attachment 1: Example Supplemental Agreement for Supplemental Grant Funds for Students

Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Supplemental Agreement (CFDA 84.425E) ((a)(1) Student Aid Portion)

Supplemental Grant Funds for STUDENTS

The terms, conditions, and requirements governing your institution's (Recipient's) use of these supplemental grant funds awarded pursuant to section 314(a)(1) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116–260) (supplemental 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 Supplemental Agreement.

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

Use of Supplemental Grant Funds:

1. Section 314(d)(5) of the CRRSAA requires Recipient, an institution of higher education as defined in section 101 or 102(c) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1001 or 1002(c), to provide at least the same amount of funding in financial aid grants to students as was required to be provided under sections 18004(a)(1) and (c) of division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116–136). The amount of funds made available by this supplemental award under CFDA 84.425E represents the minimum amount that Recipient must use for financial aid grants to students.

2. Under section 314(c)(3) of the CRRSAA, Recipient must make financial aid grants directly 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.

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 U.S.C. 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 if Recipient is required or becomes aware that it 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 attached to 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 U.S.C. 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 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:

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 supplemental award because the allocation in this grant award represents the minimum 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.

14. Recipient acknowledges that its failure to draw down any amount of its supplemental grant funds within 90 days of the date of this supplemental award will constitute nonacceptance of the terms, conditions, and requirements of this Supplemental Agreement and of these supplemental grant funds. In such event, the Department, in its sole discretion, may choose to deobligate these supplemental 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:

15. Recipient must promptly and timely report to the Department on the use of funds no later than 6 months after the date of this supplemental 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 supplemental 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.

16. Recipient must comply with all requirements of the Single Audit Act Amendments of 1996, 31 U.S.C. 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.

17. 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.

18. 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.

19. Recipient acknowledges that failure to comply with this Supplemental 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 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 U.S.C. 1001, as appropriate; and all of the laws and regulations referenced in Attachment A, which is incorporated by reference herein.

Applicable Law:

20. 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.

21. 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).

22. 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.

Attachment 2: Example Supplemental Agreement for Supplemental Grant Funds for Institutions

Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Supplemental Agreement (CFDA 84.425F) ((a)(1) Institutional Portion)

Supplemental 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):

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

Use of Supplemental Grant Funds:

1. Under section 314(c) of the CRRSAA, Recipient may use these supplemental grant funds for Recipient's Institutional Costs to defray 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); carry out student support activities authorized by the Higher Education Act of 1965, as amended (HEA) that address needs related to coronavirus; and make additional 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 coronavirus, such as tuition, food, housing, health care (including mental health care), or child care.

2. Recipient acknowledges that no supplemental 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.

3. 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 Supplemental Agreement.

4. 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.

5. Recipient must notify the Department within 30 days if Recipient is required or becomes aware that it 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 an attachment to 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 U.S.C. 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's 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:

6. 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>.

7. Recipient may charge indirect costs to supplemental 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 the supplemental funds made available under this award.

8. 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.

9. 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).

10. 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.

11. Recipient acknowledges that its failure to draw down any amount of its supplemental grant funds within 90 days of the date of this supplemental award will constitute nonacceptance of the terms, conditions, and requirements of this Supplemental Agreement and of these supplemental grant funds. In such event, the Department, in its sole discretion, may choose to deobligate these supplemental 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:

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 supplemental 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 supplemental 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 U.S.C. 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 Supplemental 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 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 U.S.C. 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.

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DEPARTMENT OF EDUCATION

Applications for New Authorities; Innovative Assessment Demonstration Authority

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new authorities for fiscal year (FY) 2021 under the Innovative Assessment Demonstration Authority (IADA).

DATES:

Applications Available: January 15, 2021.

Deadline for Notice of Intent to Apply: February 16, 2021.

Deadline for Transmittal of Applications: March 16, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to the *Application and Submission Information* section of this notice.