

16. Recipient acknowledges that its failure to draw down any amount (\$1 or more) 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

17. Recipient must promptly and timely provide a detailed accounting of the use and expenditure of the funds provided by this supplemental award in such manner and with such frequency as the Secretary may require.

18. 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, section 314(a)(4) of the CRRSAA, or section 2003 of the ARP, 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 Office of the Inspector General has published their audit guide available here: <https://www2.ed.gov/about/offices/list/oig/nonfed/proprietary.html>.

19. 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.

20. 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.

21. 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 ARP 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 the "Applicable Law" section of this Supplemental Agreement, below.

#### Applicable Law

22. 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.

23. 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).

24. 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.

[FR Doc. 2021-10195 Filed 5-12-21; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Notice of Public Posting Requirement of Grant Information for Higher Education Emergency Relief Fund (HEERF) Grantees

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Education (Department) publishes an Information for Financial Aid Professionals (IFAP) Electronic Announcement (EA) that describes the public reporting requirements for Emergency Financial Aid Grants to Students under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) and American Rescue Plan Act, 2021 (ARP) section (a)(1) and (a)(4) programs.

**FOR FURTHER INFORMATION CONTACT:** Karen Epps, U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 250-64, Washington, DC 20202. Telephone: (202) 377-3711; Email: [HEERF@ed.gov](mailto:HEERF@ed.gov).

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

**SUPPLEMENTARY INFORMATION:** Section 314(e) of CRRSAA (Pub. L. 116-260) directs institutions receiving funds under section 314 to submit (in a time and manner required by the Secretary) a report to the Secretary describing the use of funds distributed from the HEERF. While ARP does not explicitly identify procedures by which institutions submit a report to the Secretary, the Department exercises this reporting authority under 2 CFR 200.328 and 2 CFR 200.329. The reporting requirements are intended to ensure that the statutory requirements described below are met for (1) the CRRSAA and ARP (a)(1) Student Grant Programs, and

(2) CRRSAA and ARP (a)(4) Student Grant Programs.

### 1. CRRSAA and ARP (a)(1) Student Grant Programs

Section 314(d)(5) of CRRSAA requires that an institution receiving funding under section 314(a)(1) provide the same amount in financial aid grants to students from the new CRRSAA funds that it was required or which it would have been required to provide under its original Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Student Aid Portion award. The ARP, with some changes, is a continuation of the CRRSAA programs. Under the ARP (a)(1) program, as authorized under section 2003 of the ARP, the amount each institution must use for financial aid grants to students is determined by calculating the sum of 50 percent of the amount each institution receives under the formula factors in CRRSAA section 314(a)(1)(A)–(D); and 100 percent of the amount received under the formula factors in CRRSAA section 314(a)(1)(E)–(F). Student award amounts for both the CRRSAA and ARP (a)(1) programs are identified for each institution in their respective allocation table.

Under the CRRSAA and ARP (a)(1) programs, student portion funds must be used to 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.

### 2. CRRSAA and ARP (a)(4) Student Grant Programs

Under both the CRRSAA and ARP (a)(4) programs, allocations for eligible proprietary institutions of higher education are calculated on the basis of the formula specified under section 314(a)(1)(A)–(F) of CRRSAA. For ARP, the total amount of funding allocated to the (a)(4) funding stream is determined under ARP section 2003(4).

Under CRRSAA section 314(d)(7), which continues to apply to ARP (a)(4) funds, awards from the Proprietary Institution Grant Funds for Students Program may only be used to 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 such financial aid grants to students, grantees must prioritize grants to students with exceptional need, such as students who receive Pell Grants.

The Certification and Agreements for the CRRSAA and ARP (a)(1) and (a)(4) funds provide that each institution applying for HEERF funds must promptly and timely provide a detailed accounting of the use and expenditure of the funds in such manner and with such frequency as the Secretary may require. Each HEERF participating institution must post the information listed below on the institution's primary website, as an initial report under the CRRSAA and ARP (a)(1) and (a)(4) programs. This report is associated with the approved information collection under OMB control number 1801–0005.

The Department encourages institutions to report as soon as possible, but no later than 30 days after the publication of this notice or 30 days after the date the Department first obligated funds under HEERF I, II, or III to the institution for Emergency Financial Aid Grants to Students, whichever comes later.

The following information must appear in a format and location that is easily accessible to the public. This information must also be updated no later than 10 days after the end of each calendar quarter (September 30, and December 31, March 31, June 30) thereafter, unless the Secretary specifies an alternative method of reporting:

(1) An acknowledgement that the institution signed and returned to the Department the Certification and Agreement and the assurance that the institution has used the applicable amount of funds designated under the CRRSAA and ARP (a)(1) and (a)(4) programs to provide Emergency Financial Aid Grants to Students.

(2) The total amount of funds that the institution will receive or has received from the Department pursuant to the institution's Certification and Agreement for Emergency Financial Aid Grants to Students under the CRRSAA and ARP (a)(1) and (a)(4) programs.

(3) The total amount of Emergency Financial Aid Grants distributed to students under the CRRSAA and ARP (a)(1) and (a)(4) programs as of the date of submission (*i.e.*, as of the initial report and every calendar quarter thereafter).

(4) The estimated total number of students at the institution that are eligible to receive Emergency Financial Aid Grants to Students under the

CRRSAA and ARP (a)(1) and (a)(4) programs.

(5) The total number of students who have received an Emergency Financial Aid Grant to students under the CRRSAA and ARP (a)(1) and (a)(4) programs.

(6) The method(s) used by the institution to determine which students receive Emergency Financial Aid Grants and how much they would receive under the CRRSAA and ARP (a)(1) and (a)(4) programs.

(7) Any instructions, directions, or guidance provided by the institution to students concerning the Emergency Financial Aid Grants.

**Note:** For the initial report and each report thereafter, institutions should use data suppression and other methodologies to protect the personally identifiable information from student education records consistent with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR part 99). This means that if the total number of eligible students or the total number of students who received Emergency Financial Aid Grants is less than 10, but not 0, then the institution must display the total number of students eligible and/or the total number of students who received Emergency Financial Aid Grants as less than 10 (“<10”) on the publicly available websites controlled by the institution.

Institutions that the Department determines have not met the reporting requirement as described in this notice may, consistent with the Department's authority to monitor grantee compliance, be subject to appropriate enforcement actions, up to and including being determined to be ineligible for certain other HEERF program funding. For other subsequent reports for this program and other related HEERF programs, the Department will notify participating institutions of the Department's preferred reporting method. The Department may choose to collect additional information from institutions in accordance with the CRRSAA and ARP (a)(1) and (a)(4) program Certification and Agreements.

For more information on the HEERF, please visit the Department's Higher Education Emergency Relief Fund page at: [www2.ed.gov/about/offices/list/ope/arp.html](http://www2.ed.gov/about/offices/list/ope/arp.html).

**Accessible Format:** On request to the 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 another 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](http://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](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** Section 314 of the CRRSAA and 2003 of ARP.

#### Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995 (PRA), 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 1801-0005. Public reporting burden for this collection of information is estimated to average 30 minutes 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. Under the PRA, participants are required to respond to this collection to obtain or retain benefit. If you have any comments concerning the accuracy of the time estimate or 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, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

**Michelle Asha Cooper,**

*Acting Assistant Secretary for the Office of Postsecondary Education.*

[FR Doc. 2021-10196 Filed 5-12-21; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Notice Inviting Applications for Public and Private Nonprofit Institutions of Higher Education Under the Higher Education Emergency Relief Fund (HEERF), Section 2003 of the American Rescue Plan Act, 2021 (ARP)

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary is announcing the availability of new ARP (a)(1) HEERF grant funding as authorized under section 2003(1) of the ARP and inviting applications under Assistance Listing Numbers (ALN) 84.425E and 84.425F from eligible public and private nonprofit institutions that did not previously receive funding under section 314(a)(1) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA). This notice relates to the approved information collections under OMB control numbers 1801-0005 and 1840-0842.

#### DATES:

*Applications Available:* May 13, 2021.  
*Deadline for Transmittal of Applications:* Applications will be accepted on a rolling basis until August 11, 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.federalregister.gov/d/2019-02206](http://www.federalregister.gov/d/2019-02206).

#### 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](mailto:HEERF@ed.gov). Please also visit our HEERF website at: [www2.ed.gov/about/offices/list/ope/arp.html](http://www2.ed.gov/about/offices/list/ope/arp.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

##### I. Funding Opportunity Description

On March 11, 2021, the President signed into law the ARP (Pub. L. 117-2). This new law makes available approximately \$39.6 billion for institutions of higher education under

HEERF, with funding appropriated through existing programs previously authorized under the CRRSAA (Pub. L. 116-260).

With this notice, the Secretary is announcing the availability of HEERF grant funds under the ARP (a)(1) programs under ALNs 84.425E and 84.425F. These programs, with some changes, are a continuation of the CRRSAA section 314(a)(1) program, which the Department implemented as two funding streams: (1) The Student Aid Portion (ALN 84.425E) for financial grants to students, and (2) the Institutional Portion (ALN 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 formulas in ARP section 2003(1) and section 314(a)(1) of the CRRSAA. Under ARP section 2003, 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) or (2) 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. The amount each institution must use for financial aid grants to students is determined by calculating the sum of 50 percent of the amount each institution receives under the formula factors in CRRSAA section 314(a)(1)(A)-(D); and 100 percent of the amount received under the formula factors in CRRSAA section 314(a)(1)(E)-(F). This amount is identified for each institution in the allocation table.

Additionally, under ARP section 2003(5), institutions must use a portion of their Institutional Portion funds under ALN 84.425F, if the institutions have not directed all of these funds to student grants, to (1) implement evidence-based practices to monitor and suppress coronavirus in accordance with the public health guidelines and (2) conduct direct outreach to financial