February 10, 2021

Dr. Miguel A. Cardona  
Secretary of Education-designate  
United States Department of Education  
400 Maryland, S.W.  
Washington, D.C. 20202

Dear Secretary of Education-designate Cardona,

The relief funding for higher education students and institutions provided in the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) is a critical, and much appreciated, step to mitigating the destructive impact of the coronavirus pandemic to America’s campuses. We know that the sooner this support can reach students and schools, the better.

As a result, our members share the urgency of your Department and the administration for disbursing these funds quickly. It is equally important though, to ensure that these funds are being used appropriately and in accordance with statute, and it has become increasingly clear from our members that there is widespread confusion regarding certain fundamental aspects of how these funds may be used.

In order to minimize any uncertainty and streamline the process of clarifying the Department’s views, we have prepared the following list of nine questions regarding HEERF 2.0 guidance we have heard most frequently from our member institutions. These questions are listed below, by category, and in order of importance:

Questions Relating to All HEERF Funds:

1. Please confirm that institutions can use HEERF 1.0 funds remaining unspent as of 12/27/20 and all HEERF 2.0 funds provided through CRRSAA for allowable uses incurred since the declaration on March 13, 2020 of the national coronavirus pandemic emergency.

2. Please confirm that institutions have one year, starting from the date on which their allocation was processed by the Department, to disburse all funds received through HEERF 2.0.

Questions Relating to HEERF Institutional Funds:

3. Please confirm that the Department’s existing guidance (deriving from question 43 of the Rollup HEERF 1.0 FAQ) would be an acceptable means for institutions to document revenue losses (including decreases in revenue that are the result of a decline in enrollment or funding based on enrollment; a decline in student fees, including housing fees and meal plans; and other activities disrupted by COVID-19)
for institutional funds identified in section 5104(c)(1)(B) of CRRSA.

4. Are employee benefits covered under “payroll” in section 5104(c)(1)(B) of CRRSA?

Questions Relating to HEERF Student Funds:

5. Can all enrolled students, as well as students enrolled at any point since the
declaration of a national emergency (including undocumented, DACA, international,
non-credit, refugee students, dual enrollment, continuing education, non-degree, and
other non-Title IV eligible) receive HEERF 2.0 Funds, which include unspent HEERF
1.0 funds and whose uses are indistinguishable from HEERF 2.0 funds?

6. Please confirm that students who have left school (for any reason) at any time since
the declaration of the national emergency can receive can receive HEERF 1.0 and
HEERF 2.0 funds retroactively, as was allowed for students who had graduated using
HEERF 1.0 funds.

7. Please confirm that students may give institutions permission to apply the HEERF 2.0
funds to student account charges that were posted to the student’s account prior to
December 27, 2020?

8. Please confirm that the Department’s guidance is consistent with the statutory
provisions in CRRSA stating that HEERF 2.0 funds are not considered Estimated
Financial Assistance, Taxable Income, or Untaxed Income.

9. Please confirm that, as was the case with HEERF 1.0 funds, institutions can use
student accounts as a pass-through vehicle to disburse HEERF 2.0 funds without
student consent if 100% of the award is provided directly to the student’s account and
0% is applied to institutional or other charges.

We believe that answers to the questions above will resolve the majority of concerns
institutions have regarding their management of HEERF 2.0 funds, and will reduce the
burden on departmental staff to address these questions individually. We are sympathetic to
the challenges the Department faces in overseeing this program amidst the transition
between two administrations, and appreciate the efforts Department staff have already made
to address issues as they arise.

Thank you in advance for your assistance in resolving these matters, and we look forward to
working with you and the Department to ensure these funds are rapidly disbursed, meet their
intended goals, and provide the greatest possible benefit for students and institutions.

Sincerely,

Ted Mitchell
President
On behalf of:

Achieving the Dream
ACPA-College Student Educators International
ACT
American Association of Colleges for Teacher Education
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
American Indian Higher Education Consortium
APPA, “Leadership in Educational Facilities”
Association of American Colleges and Universities
Association of American Universities
Association of Catholic Colleges and Universities
Association of Colleges and Universities in Pennsylvania
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities of Massachusetts
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Coalition of Urban and Metropolitan Universities
Common App
Connecticut Conference of Independent Colleges
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council of Graduate Schools
Council of Independent Colleges
Higher Education Loan Coalition
Hispanic Association of Colleges and Universities
National Association of College and University Business Officers
National Association of Colleges and Employers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
State Higher Education Executive Officers Association
TMCF