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July 22, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-226, United States Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Shelby
Chairman
Appropriations Committee
United States Senate
304 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice Chairman
Appropriations Committee
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Shelby, and Vice Chairman Leahy,

On behalf of the undersigned higher education associations, I am writing to encourage Congress to give careful consideration to ensure that any new initiatives in the next COVID-19 supplemental appropriations act are implemented effectively by the Department of Education.

We appreciate the modest financial support Congress provided for higher education in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and the uses for which these funds were authorized. New responsibilities can challenge any agency, especially when quick implementation is required. But poorly executed implementation means that money is too easily spent ineffectively, undermining the purposes for which it was appropriated.

We commend the department for quickly developing a funding request and allocation process to deliver approximately \$6.3 billion to institutions for student emergency financial aid grants. Similarly, the department's allocation of \$6.3 billion designated for institutional grants went smoothly. Overall, our colleges and universities report the department's processes provided for an efficient drawdown of funds. Congress should maintain this approach and require the department to continue using the existing Title IV delivery system for allocating funds to institutions in any subsequent legislation.

Unfortunately, the department failed to provide consistent guidance to institutions for determining the eligibility of their students for emergency grants once the money was allocated to individual colleges and universities. Initially, the department announced these grants would be available to all students and that institutions had broad flexibility

in selecting recipients and setting award amounts. But over a period of several weeks the department issued—and briefly rescinded—supplementary guidance that increasingly restricted student eligibility, causing confusion and delays in the ability to distribute grant funds to students affected by the impact of the novel coronavirus on their campuses.

Ultimately, these restrictions were codified in an Interim Final Rule (IFR) that the department published on June 17, 2020. The IFR limits grants to students who are eligible for Title IV financial aid and are enrolled in Title IV-eligible educational programs. Neither condition is specified in the CARES Act. We estimate the arbitrary limits the department has imposed cut off eligibility for some 8 million students, including at least 500,000 veterans of the Armed Forces. Moreover, the contradictory guidance issued by the department created a prolonged period of uncertainty for institutions, resulting in a delay of the delivery of urgently needed funds to otherwise eligible students.

Assistance should be available to any student who is enrolled or accepted for enrollment at the institution. Specifically, we ask Congress to ensure the broadest possible availability of any financial assistance by prohibiting the department from further restricting student eligibility administratively.

The money that Congress provides in supplemental spending bills can be invaluable in helping to address the severe economic dislocation we are facing. By ensuring that the department understands congressional intent and can smoothly and swiftly implement the funding, Congress will increase the effectiveness of any funding that it provides.

Sincerely,



Ted Mitchell
President

On behalf of:

Achieving the Dream
ACPA-College Student Educators International
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 College Health Association
American Council on Education
American Dental Education Association
APPA, "Leadership in Educational Facilities"

Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Association of Research Libraries
Coalition of Urban and Metropolitan Universities
College and University Professional Association for Human Resources
Common App
Council for Advancement and Support of Education
Council for Higher Education Accreditation
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
Council on Social Work Education
EDUCAUSE
Hispanic Association of Colleges and Universities
NAFSA: Association of International Educators
NASPA - Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
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
National Collegiate Athletic Association
The Consortium of Universities of the Washington Metropolitan Area
UNCF (United Negro College Fund, Inc.)