

January 28, 2021

The Honorable Phil Rosenfelt Acting Secretary of Education 400 Maryland Avenue, SW Washington, DC 20202

Dear Acting Secretary Rosenfelt,

On behalf of the associations listed below, representing the nation's four- and two-year public and private colleges and universities, I write regarding the Department of Education's implementation of the recently enacted "Consolidated Appropriations Act of 2021" (H.R. 133), and in particular the need to clarify that Higher Education Emergency Relief Funds (HEERF II) can be used to help all students, including undocumented students and Deferred Action for Childhood Arrivals (DACA) recipients, as well as international students.

The Department of Education's Office of Postsecondary Education Jan. 14 issued a set of Frequently Asked Questions to provide some guidance to institutions of higher education regarding the distribution of funds under HEERF II.¹ The FAQs indicate that the Department's Interim Final Rule (IFR) and implementing regulations for HEERF I student financial aid grants enacted in the Coronavirus Aid, Relief, and Economic Security (CARES) Act do not apply to HEERF II student financial aid grants.² That IFR limited grants to students who are or could be eligible to participate in Title IV federal student financial aid programs under Higher Education Act Section 484, needlessly cutting off an estimated 8 million students, including nearly 2 million veterans, DACA recipients and other Dreamers, and international students, from access to those badly needed grants. We applaud the Department's decision, which is consistent with congressional intent and will enhance the effectiveness of the aid.

However, the Department's FAQ is only a partial step in the right direction because it leaves some uncertainty about the scope of eligibility for the HEERF II student aid grants. To clear up that uncertainty, we respectfully request that the Department issue additional guidance as soon as possible specifying that <u>all</u> students at eligible institutions, including undocumented and international students, are eligible for those grants. In addition, the Department should also make clear that any application for or receipt of a HEERF grant should not be considered under any future public charge for future applications of visas or authorizations.

¹ https://www2.ed.gov/about/offices/list/ope/crrsaa.html.

² https://www2.ed.gov/about/offices/list/ope/faqsfora1crrsaaheerfii.pdf (Question 16).

Thank you for your prompt attention to this important matter.

Sincerely,

Ted Mitchell President

On behalf of:

Accrediting Commission for Community and Junior Colleges

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 Association of University Professors

American College Health Association

American Council on Education

American Dental Education Association

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 Community College Trustees

Association of Governing Boards of Universities and Colleges

Association of Independent California Colleges and Universities

Association of Independent Colleges and Universities in Massachusetts

Association of Independent Colleges and Universities in Pennsylvania

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

College Board

Common App

Consortium of Universities of the Washington Metropolitan Area

Council for Advancement and Support of Education

Council for Christian Colleges & Universities

Council for Higher Education Accreditation

Council for Opportunity in Education

Council of Graduate Schools

Council of Independent Colleges

Council on Social Work Education

EDUCAUSE

Higher Education Consultants Association

Middle States Commission on Higher Education

NAFSA: Association of International Educators

NASPA - Student Affairs Administrators in Higher Education

National Association for College Admission Counseling

National Association for Equal Opportunity in Higher Education

National Association of College and University Business Officers

National Association of College Stores

National Association of Colleges and Employers

National Association of Independent Colleges and Universities

National Association of Student Financial Aid Administrators

National Association of System Heads

National Collegiate Athletic Association

National Council for Community and Education Partnerships

Phi Beta Kappa Society

SACSCOC

State Higher Education Executive Officers Association UPCEA