



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 CRRSAA.

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

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 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 CRRSAA 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

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