



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.<sup>1</sup> 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.<sup>2</sup> 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 all 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.

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

<sup>2</sup> <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