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September 28, 2020

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Docket ID ED-2020-SCC-0122

Dear Secretary DeVos:

We write to provide input on the U.S. Department of Education's (Department's) proposed information collection titled "Higher Education Emergency Relief Fund (HEERF) Data Collection Form." The *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) established the Higher Education Emergency Relief (HEER) fund to provide more than \$14 billion in emergency aid to institutions of higher education (institutions) and students. While the Department's proposed data collection form requests vital information, additional information may be necessary to fully capture the uses and impact of the HEER fund. Our recommendations for improving the information collection are detailed below.

Administration and Publication of the Data Collection

As the Federal Register Notice indicates, the Department intends to collect information on the HEER fund annually, with the first annual report due on January 29, 2021.¹ While we recognize the need to avoid placing undue administrative burden on institutions while educators continue to grapple with the impacts of COVID-19, we believe that more frequent data collection is appropriate given the ever-changing nature of the pandemic and evolving institutional responses. We also believe the data should be publicly available.

Collecting information at intervals that align with common academic calendars (e.g. fall, spring, and summer semesters) would provide vital information on how and when institutions are spending HEER funds. For example, we are particularly interested in knowing how quickly institutions disbursed emergency financial aid grants to students in compliance with section 18004(c) of the CARES Act, the share of institutions receiving emergency aid funding that disbursed all emergency aid during the spring 2020 semester, and the share that reserved funds for use in subsequent semesters. The Department should consider adding a brief, open-ended

¹ 85 FR 45629

question regarding institutional plans for any funds that are being carried over into future semesters. To minimize additional burden, these data could be collected through the use of a shorter, supplementary form that would allow institutions to update expenditure levels and add or remove uses of funds as time goes on, using screener questions, skip logic, and pre-filled responses based on previous reports. Alternatively, the Department could continue to administer the data collection on an annual basis, but require that institutions disaggregate data by quarter, semester, or other interval.

We further urge the Department to ensure that policymakers and the public are able to view the information collected through the proposed data collection form. In addition to publishing descriptive statistics as planned by the Department,² we urge you to make institution-level data available on a centralized Departmental website so that students, families, policymakers, and other stakeholders know how taxpayer dollars are being spent. Should the Department make institution-level data publicly available, it must ensure that no personally identifiable student information is released, including by requiring each school to designate the appropriate n size so that no personally identifiable information will be shared.

Emergency Financial Aid Grants to Students

Information on institutional disbursement of emergency student financial aid grants is of keen interest to the Committee because it can inform ongoing policy development. Such information can also facilitate the identification of best practices and help institutional leaders learn from one another. To that end, we recommend the Department add to the Emergency Financial Aid Grants to Students section of the data collection form questions regarding:

- Whether the institution established eligibility criteria for emergency aid aside from those imposed by the Department (e.g. enrollment intensity, expected family contribution of a certain level, or demonstrated unmet financial need). This could take the form of a multiple-choice question with an option to describe other eligibility restrictions not listed on the form.
- Whether the institution attached any conditions or requirements to emergency aid (e.g. re-enrolling in a subsequent semester or signing an attestation regarding the student's use of emergency funds). This could take the form of a multiple-choice question similar to the recommendation above.
- Whether the institution established minimum or maximum emergency aid award levels and, if so, what levels were established.

We additionally urge the Department to make improvements to question 6 to collect comprehensive information on the ways in which institutions award and finance emergency grants using HEERF funds. Specifically, we recommend the Department:

- Disaggregate data on emergency aid recipients by race and dependency status, in addition to Pell recipient status, enrollment intensity, and academic level. Given the disproportionate rates of COVID-19 infections among people of color,³ and the challenges faced by independent students who must work

² Supporting Statement for Paperwork Reduction Act Submission Higher Education Emergency Relief Fund (HEERF) Data Collection Form (July 29, 2020); available at <https://www.regulations.gov/document?D=ED-2020-SCC-0122-0002>.

³ Centers for Disease Control and Prevention, *COVID-19 Hospitalization and Death by Race/Ethnicity* (August 18, 2020); available at <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

to support themselves and, often, balance parenting with coursework, it is highly likely that these student groups are experiencing particularly acute challenges as a result of the pandemic. Disaggregated data will help institutional leaders and federal and state policymakers identify the students who are most in need of additional support and appropriately target resources.

- Add sub-questions regarding the amount of funds institutions used to reimburse themselves for previously issued emergency grants from the section 18004(a)(1) institutional portion, the 18004(a)(2) portion, and the 18004(a)(3) portion. In the section of the table related to the section 18004(a)(1) student portion, the Department asks institutions to distinguish between the amounts disbursed directly to students from the amounts reimbursed to the institution for previously made emergency grants. Such a distinction should also be made for the other HEER funding streams.

Institutional Support

In order to further gauge the impact of the CARES emergency relief, the Department's proposed questions on the amount of funds spent on various categories of expenditures should be expanded and refined. Specifically, we recommend that a column be added to the table included in question 7 to provide an estimate of the number of students benefitting from each category of relevant expenditures (e.g. the number of students who benefit from tuition discounting or the provision of additional technology such as laptops or tablets). We additionally recommend that the Department collect information separately on the following categories of expenditures within the table included in question 7:

- Providing additional technology to faculty, such as laptops or tablets;
- Providing or subsidizing the cost of highspeed internet to students;
- Providing or subsidizing the cost of highspeed internet to faculty;
- Subsidizing off-campus housing costs due to dorm closures or decisions to limit housing to one student per room; subsidizing housing costs to reduce housing density;
- Paying for hotels or other off-campus housing for students who need to be isolated; and
- Paying travel expenses for students who need to leave campus early due to COVID-19 infection or campus interruptions.

Question 8 asks institutions to provide information on the withdrawal rates of students who received CARES emergency financial aid grants. Reporting this information without context could lead to inappropriate conclusions about the effectiveness of emergency aid in helping students persist in and complete a postsecondary program. To ameliorate this issue, we encourage the Department to add columns collecting information on the number of emergency aid recipients who are still enrolled or have completed a degree or other credential to the table associated with question 8.

Question 9 seeks to collect information on the number of full-time equivalent (FTE) positions created or retained as a result of the HEER funds awarded to institutions. Such information will help policymakers determine whether institutions are meeting the requirements of section 18006 of the CARES Act.⁴ We urge the Department to further ensure the utility and accuracy of these data by providing greater clarity on which types

⁴ The Coronavirus Aid, Relief, and Economic Security Act, § 18006, which specifies that "a local educational agency, State, institution of higher education, or other entity that receives funds under "Education Stabilization Fund", shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus."

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of employees should be counted when calculating the total FTE count, addressing the employment and counting of contractors, and disaggregating the number of faculty, staff, and students employed by each institution.

The information collected by the Department will be essential to understanding how relief efforts helped during the pandemic. Information collected could also inform efforts to provide additional assistance in the future, so it is imperative that the collection provides valuable data across the American system of higher education. We share your desire to collect actionable, accurate, and comprehensive data on the uses and impact of the HEER fund and respectfully request that the Department take the steps necessary to collect additional data and information as outlined above.

Thank you for your attention to this matter.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman



VIRGINIA FOXX
Ranking Member