

Congress of the United States

Washington, DC 20510

July 9, 2020

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

Dear Secretary DeVos:

We write to urge that you promptly provide clarification to financial aid administrators through a new Dear Colleague Letter in the next two weeks. The Department should make clear that administrators may continue to use the guidance on professional judgment issued in Dear Colleague Letter GEN-09-05 when taking into account the income earned from work for students and families seeking or renewing federal financial assistance for higher education during the 2020-21 award year.

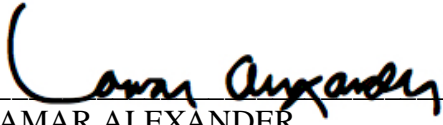
During the COVID-19 emergency, many Americans have experienced dramatic losses of income due to furloughs, lay-offs, or other reductions in work. The Free Application for Federal Student Aid (FAFSA) calculates student eligibility for financial aid based on tax returns from two years prior. Given the increase in the number of individuals only very recently unemployed due to the COVID-19 pandemic, it is very likely that many of those tax returns are no longer accurate for a large segment of applicants.

The *Higher Education Act* specifically allows financial aid administrators to adjust the income of students and families to account for a partial or full loss of income using their “professional judgment.” (20 U.S.C. 1087tt). Therefore, it is critical that the Department issue a new Dear Colleague Letter providing guidance with similar provisions of GEN-09-05 to remind financial aid offices of this authority, clarify that applicants for and recipients of unemployment insurance benefits may have their income set to zero, and ensure that institutions are not subject to burdensome program reviews as a result of exercising their duties.

In times of increased unemployment and market disruption, many Americans will look to further their education and retrain or upskill to obtain better employment opportunities as their local and state economies reopen. The federal government should not discourage those who want to pursue postsecondary education during this pandemic or place artificial barriers in their way to obtain federal financial assistance.

If you have questions regarding this letter, please do not hesitate to reach out to our staff. Please contact Lauren Schwensen at Lauren_Schwensen@help.senate.gov for Chairman Alexander, Bryce McKibben at Bryce_McKibben@help.senate.gov for Ranking Member Murray, Katie Berger at Katie.Berger@mail.house.gov for Chairman Scott and Alex Ricci at Alex.Ricci@mail.house.gov for Ranking Member Foxx.

Sincerely,



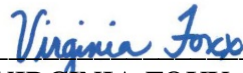
LAMAR ALEXANDER
Chairman, Committee on Health, Education,
Labor, & Pensions, U.S. Senate



PATTY MURRAY
Ranking Member, Committee on Health,
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VIRGINIA FOXX
Ranking Member, Committee on Education
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