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January 11, 2024

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

Dear Secretary Cardona:

I write to express my serious concerns with the U.S. Department of Education's (Department) recent announcement regarding ongoing delays related to the launch and processing of the Free Application for Federal Student Aid (FAFSA)¹, particularly in light of the imminent implementation of the *FAFSA Simplification Act*². While I am pleased that the Department met its statutory requirement to launch the FAFSA to students before the January 1 deadline, I am concerned that the majority of FAFSA processing will continue to be delayed this year.

The FAFSA form is the gateway to receiving any federal student aid under title IV of the *Higher Education Act of 1965*. It is also commonly used by states and institutions of higher education to determine eligibility for other forms of student aid, such as state and institutional grants. In December 2020, Congress passed the bipartisan *FAFSA Simplification Act* to streamline the complex FAFSA process, address longstanding concerns with the federal student aid award process, and strengthen access to the Pell Grant. Further, the Act made sweeping reforms to the needs analysis formula that will automatically qualify students from the lowest-income families for the maximum Pell Grant and provide institutions with more information to target campus-based aid. The bipartisan reforms I helped negotiate will result in nearly 1.5 million more students who will receive the maximum Pell Grant and over 600,000 more eligible Pell Grant recipients overall.³

¹ Fed. Stud. Aid, *Update on the Simplified, Streamlined, Redesigned 2024-25 FAFSA*, FSA (Nov. 15, 2023), <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2023-11-15/update-simplified-streamlined-redesigned-2024-25-fafsa>.

² Consolidated Appropriations Act, Pub. L. 116-260, tit. VII div. FF, § 701, 134 Stat. 3137, 1958 (2021).

³ Press Release, U.S. Dep't of Educ., U.S. Department of Education Releases New Data Highlighting How the Simplified, Streamlined, and Redesigned Better FAFSA Form Will Help Deliver Maximum Pell Grants to 1.5 Million More Students (Nov 15, 2023),

<https://www.ed.gov/news/press-releases/us-department-education-releases-new-data-highlighting-how-simplified->

Unfortunately, the benefits of the *FAFSA Simplification Act* will be deferred for many students, given the anticipated delay to FAFSA processing. Already, implementation has been delayed from the 2023-2024 award year to the 2024-2025 award year to ensure that all of the complex moving parts are properly addressed.⁴ Although students have been able to access the FAFSA application through a soft launch since December 31, 2023, Federal Student Aid (FSA) has announced that it will not be able to process FAFSA forms and send Institutional Student Information Records (ISIRs)—which contains students’ financial information from the FAFSA and used to calculate aid eligibility—to institutions of higher education until later this month. In a normal year, these records would be sent to schools shortly after a student submits their form. This processing delay will hinder institutions’ ability to promptly communicate with students regarding any additional information needed prior to finalizing aid packages. Many students are expected to commit to a school May 1st. The delay in the FAFSA processing will mean millions of students will be expected to make a life-altering decision in a very short period of time or without the full context of information to inform that decision.

Additionally, I am deeply concerned with the announcement that FSA will not begin processing paper FAFSA forms until February.⁵ Incarcerated students, students with limited broadband access, and many other students, rely on the paper form to access federal student aid. I am proud that, as part of the *FAFSA Simplification Act*, Congress restored the ability for incarcerated students to use Pell Grants for higher education.⁶ A delay in processing of paper forms will deeply affect the ability of students’ using such forms to promptly enroll in their education programs.

Due to these concerns, I am requesting updated information regarding the Department’s readiness to support students and families and its ability to respond to ongoing concerns with the FAFSA. Please provide answers to the following questions no later than February 1, 2024:

- 1) What is the Department’s customer service plan to respond in a timely manner to students and families who have questions about the FAFSA delay?
- 2) What guidance will the Department provide for institutions, high school counselors, and other stakeholders who support students as they complete the FAFSA?
 - a. Will this guidance be updated over time, and if so how frequently?
 - b. How will this information be communicated?
- 3) Can you provide copies of all communications sent to FAFSA applicants regarding changes and delays to the financial aid process?
- 4) How is the Department, in collaboration with the Bureau of Prisons, working to support incarcerated students who rely on paper FAFSA forms?

[streamlined-and-redesigned-better-fafsa%C2%AE-form-will-help-deliver-maximum-pell-grants-15-million-more-students.](#)

⁴ Benjamin Collins & Cassandra Dortch, Cong. Rsch. Serv., R46909, *The FAFSA Simplification Act*, CRS (2022), <https://crsreports.congress.gov/product/pdf/R/R46909>.

⁵ Fed.Stud.Aid, *supra* note 1.

⁶ Consolidated Appropriations Act, Pub. L. 116-260, tit. VII div. FF, § 701, 134 Stat. 3137, 1958 (2021).

- 5) What steps is the Department taking to support other students who rely on paper FAFSA forms?
- 6) To reduce the burden on institutions during peak FAFSA-processing time, will the Department alter any of the verification procedures with which institutions are required to comply?
- 7) Are there any other components of the *FAFSA Simplification Act* that are expected not to be finalized for the 2024-2025 FAFSA?
 - a. If so, what will FSA do to ensure these changes are made for the 2025-2026 FAFSA?
- 8) Can we anticipate any further delays in the full implementation of the *FAFSA Simplification Act*? For example, would updates to the inflation adjustment tables cause further delay to implementation?

The overarching goal of simplifying the FAFSA was to make the application process for federal student aid easier, fairer, and more effective for working families. While I recognize the tremendous undertaking of implementing the multitude of FAFSA changes, the announced delays will make accessing affordable higher education more challenging for students. As a key negotiator of the *FAFSA Simplification Act*, I will continue to advocate for the successful implementation of FAFSA changes. I look forward to receiving the Department's response.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member