

# United States Senate

July 28, 2020

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

Re: CARES Act Guidance and Military-Connected Students at Institutes of Higher Education

Dear Secretary DeVos:

We write to express our significant concern with your interim final rule on student eligibility for emergency financial aid under the bipartisan Coronavirus Aid, Relief, and Economic Security (CARES) Act, and note its disproportionate and damaging impact on nearly 200,000 student veterans. We are deeply troubled by the U.S. Department of Education's ("Department") inaccurate interpretation that, "Congress intended the category of those eligible for 'emergency financial aid grants to students' in section 18004 of the CARES Act to be limited to those individuals eligible for title IV assistance."

Congress worked diligently to pass the CARES Act in a bipartisan manner providing more than \$6 billion in discretionary funding to institutions of higher education and emergency financial aid to students most affected by the pandemic, regardless of veteran status or eligibility for Title IV aid under the Higher Education Act. Congress intended to provide flexibility to institutions to determine how to distribute funding among all students, in order to support the needs and best interests of all students during the pandemic. Instead, the Department's interim final rule restricts aid to students, blocking critically needed aid to those students who are not already eligible for Title IV federal student aid, generally requiring completion of the Free Application for Federal Student Aid (FAFSA). This rule excludes a large number of students, and particularly student veterans who don't generally pursue Title IV aid because they have access to GI Bill benefits.

Veterans organizations, including the Student Veterans of America and Veterans Education Success, have expressed concerns with the Department's guidance prior to this interim final ruling and wrote<sup>1</sup> to you in May, giving you ample time to correct this problem in advance and ensure that our nation's student veterans receive the aid that they so desperately need. Despite this, the Department still has not considered this feedback or reconsidered its position that disproportionately denies emergency financial aid grants to veteran and military-connected students. As the groups' letter notes, according to the Department's 2015-16 survey data, almost half of student veterans who attend a community college do not apply for federal student aid, and about two-thirds of undergraduate veterans at four-year institutions do not fill out the FAFSA.

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<sup>1</sup> <https://vetsedsuccess.org/wp-content/uploads/2020/05/Letter-to-ED-re-CARES-Guidance.pdf>

The COVID-19 pandemic has affected all students, regardless of their veteran status or Title IV federal student aid eligibility. All students have experienced disruption to their campus life along with financial distress, including student veterans. Cutting off aid to our student veterans is unconscionable; even asking these students to complete additional paperwork and holding up their relief during a pandemic is unnecessarily burdensome. Congress is currently considering additional funding to assist in COVID-19 recovery, including for emergency financial aid to students, and the Department must not stand in the way of such relief flowing to student veterans. Therefore, the interim final rule must be rescinded.

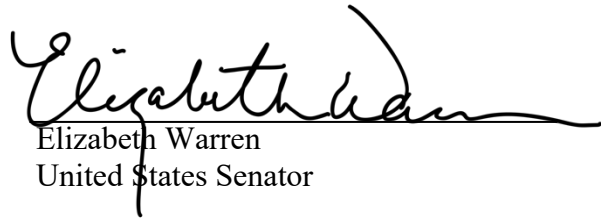
Our veterans have served our country proudly and deserve all the resources available to them to pursue higher education, especially during this challenging time in our country. We ask the Department to immediately rescind this interim final rule that disregards a large number of veteran and military-connected students and instead support all students, including our veterans. We also request that you immediately inform Congress of how you will ensure that veteran and military-connected students can access the same CARES Act resources as other students so they can pursue their higher education.

Thank you in advance for your consideration of this important request.

Sincerely,



Jacky Rosen  
United States Senator



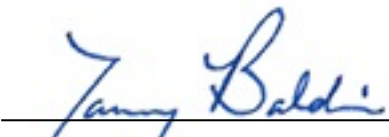
Elizabeth Warren  
United States Senator

/s/ Richard J. Durbin

Richard J. Durbin  
United States Senator



Tim Kaine  
United States Senator



Tammy Baldwin  
United States Senator



Ron Wyden  
United States Senator



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Sherrod Brown  
United States Senator



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Richard Blumenthal  
United States Senator

/s/ Jack Reed

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Jack Reed  
United States Senator



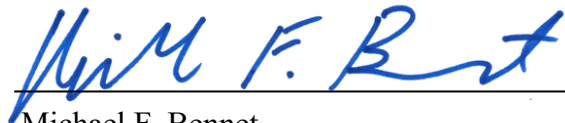
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Tina Smith  
United States Senator

/s/ Robert P. Casey, Jr.

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Robert P. Casey, Jr.  
United States Senator



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Michael F. Bennet  
United States Senator



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Amy Klobuchar  
United States Senator