

**Congress of the United States**  
**Washington, DC 20515**

July 16, 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 regarding the distribution of Higher Education Emergency Relief (HEER) funds allocated in the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Although the Department of Education has distributed HEER funding to institutions based on the formulas established by Congress, some educational institutions in Massachusetts have returned or intend to return their CARES Act funding in response to public pressure from some, including you and the Trump Administration, questioning the institutions' or their students' need for emergency federal assistance. We write to request that the Department redistribute returned funds from Massachusetts institutions of higher education to under-resourced institutions in the Commonwealth, consistent with your recommendation to college and university presidents in an April 9 letter.<sup>1</sup>

Congress allocated nearly \$14 billion in HEER funding for the purpose of helping institutions of higher education to respond to new challenges created by the Coronavirus, including to help institutions transition to distance learning and provide emergency grants to students for food, housing, and technology. The CARES Act allocated the funds for distribution to institutions using a formula based on the number of students and Pell Grant recipients at each institution. The Department of Education calculated individual institutions' share of the funding using this formula and released a public list of each institution's allotment on April 9, 2020.<sup>2</sup>

The distribution of HEER funds immediately became imbued with politics. Soon after the Department of Education published the distribution list, institutions with large endowments were criticized for potentially receiving federal assistance, including by you and the Trump Administration. President Trump specifically (and erroneously) criticized Harvard University by tweeting that the university should return its CARES Act funding.<sup>3</sup> On April 22, 2020, you contributed to the pressure and released a statement calling on "wealthy institutions" to reject emergency CARES Act funding. Moreover, in an April 9, 2020 letter to college and university

---

<sup>1</sup> U.S. Dep't of Education, Letter from Secretary DeVos to College and University Presidents (Apr. 9, 2020), <https://www2.ed.gov/about/offices/list/ope/caresactgrantfundingcoverletterfinal.pdf>

<sup>2</sup> U.S. Dep't of Education, Allocations for Section 18004(a)(1) of CARES Act (Apr. 9, 2020), <https://www2.ed.gov/about/offices/list/ope/allocationsforsection18004a1ofcaresact.pdf>.

<sup>3</sup> Donald Trump (@realDonaldTrump), Twitter (Apr. 21, 2020, 11:36 PM), <https://twitter.com/realDonaldTrump/status/1252803444844494854>.

presidents, you specifically encouraged institutions whose students did not have a significant financial need to “consider giving your allocation to **those institutions within your state or region that might have significant need.**”<sup>4</sup> It is unclear, however, if this recommendation to institutions is even legal under the CARES Act, which is why multiple institutions have instead opted to decline their allocation altogether.

Currently, at least two institutions in Massachusetts, Massachusetts Institute of Technology (MIT) and Harvard University, have decided to decline their CARES Act funding. On April 22, 2020, Harvard opted to forego its nearly \$9 million allocation,<sup>5</sup> and on June 11, 2020, MIT chose to decline its \$5 million allocation.<sup>6</sup> In their respective statements regarding the decision to turn down federal funds, both universities noted that they had not applied for nor requested HEER funding, but were allocated monies based on the number of low-income students enrolled in their school. In rejecting the funds, both stressed that confusion and backlash about the program would only hurt the institutions and the low-income students who need support.

In light of these circumstances, and to best effectuate congressional intent under the CARES Act to help institutions and students in need, the Department should redistribute within Massachusetts returned funds from institutions within the state. Many institutions in Massachusetts, including our 15 community colleges, would greatly benefit from the redistribution of returned HEER funds and additional emergency resources.

All of our institutions face uncertainty about the upcoming Fall 2020 semester and may lose revenue and face budget shortfalls from decreased student enrollment and the Commonwealth’s budgetary challenges. HEER funding to these institutions helped, but there are still unmet needs in the Massachusetts higher education community. The Department should redistribute the nearly \$14 million that Harvard and MIT declined, and any future funds that other colleges and universities in Massachusetts return, to other students and institutions of higher education in Massachusetts that need those funds. Students and institutions of higher education throughout Massachusetts are in dire need for emergency resources under the CARES Act.

Consistent with your recommendation to colleges and universities, we request you work with us to redistribute returned funding to “those institutions within [Massachusetts] that might have significant need.” We must ensure that Massachusetts CARES Act funding reaches the institutions and students that will benefit from it.

Sincerely

/s/ **Edward J. Markey**  
Edward J. Markey

/s/ **Elizabeth Warren**  
Elizabeth Warren

---

<sup>4</sup> U.S. Dep’t of Education, CARES Act Grant Funding Letter to Higher Education Institutions (April 9, 2020), <https://www2.ed.gov/about/offices/list/ope/caresactgrantfundingcoverletterfinal.pdf>

<sup>5</sup> Press Release, Harvard University, Harvard Statement on Decision to Not Accept Funds from the CARES Act Higher Education Emergency Relief Fund (Apr. 22, 2020), <https://www.harvard.edu/media-relations/cares-act>.

<sup>6</sup> Press Release, Mass. Institute of Technology, MIT statement on CARES Act funding (June 11, 2020), <https://covid19.mit.edu/MIT-statement-on-CARES-Act-funding>.

United States Senator

/s/ **Ayanna Pressley**  
Ayanna Pressley  
Member of Congress

/s/ **James P. McGovern**  
James P. McGovern  
Member of Congress

/s/ **Stephen Lynch**  
Stephen Lynch  
Member of Congress

/s/ **Seth Moulton**  
Seth Moulton  
Member of Congress

/s/ **Richard E. Neal**  
Richard E. Neal  
Member of Congress

United States Senator

/s/ **Lori Trahan**  
Lori Trahan  
Member of Congress

/s/ **Joseph P. Kennedy, III**  
Joseph P. Kennedy, III  
Member of Congress

/s/ **Katherine Clark**  
Katherine Clark  
Member of Congress

/s/ **William R. Keating**  
William R. Keating  
Member of Congress