



April 1, 2021

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

Dear Secretary Cardona,

We write as presidents of associations that collectively represent the nation's public colleges and universities. Thank you for your continued work with us to implement COVID-19 relief legislation. The March 19 guidance was extremely helpful and will allow institutions to undertake a variety of measures in response to the pandemic.

We also seek your assistance on another issue, the Maintenance of Effort (MOE) requirements in the CARES Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan (ARP) Act. To the alarm of many of our members, there are increasing instances of state legislatures and governors explicitly planning to cut appropriations because of the Higher Education Emergency Relief Fund dollars received by institutions, in effect nullifying Congress's action. The MOE language in CARES, CRRSAA, and ARP was explicitly intended to forestall this outcome. It reflected Congress's well-justified position that, in exchange for needed federal assistance, states would maintain an appropriate level of support for education, and that federal funds would supplement, not supplant, state expenditures.

Consequently, we urge the Department to vigorously enforce the MOE requirements, and to grant waivers only in extraordinary circumstances. We further ask ED to communicate this position to state legislators, governors and other stakeholders. These emergency grants are for one-time, pandemic-related needs—to financially stabilize colleges and universities reeling from revenues losses, enhance campus health and safety, and help students who have been negatively impacted by COVID in a myriad of ways. They in no way are a substitute for ongoing state support.

Congress provided \$350 billion to state and local governments in the American Rescue Plan Act. Given this, and that many states are in far better fiscal condition than was anticipated a year ago, states should not be reducing support for any public institution or higher education institution support overall. Indeed, ARP explicitly prohibits state tax cuts, to further ensure that federal funds are additive to state expenditures.

Again, we respectfully request that you send a message to state governments that the Department intends to vigorously enforce the MOE requirements as outlined under law and will not grant

waivers except under extraordinary circumstances. This will promote a public higher education system that is able to help the country move past the pandemic while creating greater equality of opportunity.

Please do not hesitate to contact us if we can provide additional information or otherwise be of assistance. Thank you for your consideration and continued support of public higher education.

Sincerely,

A handwritten signature in black ink that reads "Walter G. Bumphus". The signature is written in a cursive, flowing style.

Walter G. Bumphus, Ph.D.
President and CEO
American Association of Community Colleges

A handwritten signature in black ink that reads "Mildred Garcia". The signature is written in a cursive, flowing style.

Mildred Garcia, Ed.D.
President
American Association of State Colleges and Universities

A handwritten signature in black ink that reads "Peter McPherson". The signature is written in a cursive, flowing style.

Peter McPherson
President
Association of Public and Land-grant Universities