



MARYMOUNT
UNIVERSITY

Submitted via www.regulations.gov

July 16, 2020

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

Re: Docket ID ED-2020-OPE-0078, Comments in Response to Interim Final Rule on Eligibility of Students at Institutions of Higher Education for Funds Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act

Dear Secretary DeVos:

On behalf of Marymount University, I submit this comment letter in response to the U.S. Department of Education's (Department) interim final rule *Eligibility of Students at Institutions of Higher Education for Funds Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act* (Docket ID ED-2020-OPE-0078), published June 17, 2020.¹ **I am opposed to the exclusion of those who do not qualify for Title IV assistance from receiving emergency financial aid under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.** I particularly oppose the rule's exclusion of Deferred Action for Childhood Arrivals (DACA), undocumented students enrolled in institutions of higher education, and students who are not "title IV" eligible.

Marymount University is located in Arlington, Virginia, enrolls 3,393 students, employs 653 faculty and staff, and has an annual budget of greater than \$90 million. Marymount is also an emerging Hispanic Serving Institution - the only four-year institution in Virginia with this status – with 22% of our undergraduates identifying as Hispanic. We are a member of the Hispanic Association of Colleges and Universities (HACU) and a partner with TheDREAM.US. We provide scholarship support to our DACA students, and this Fall, we expect to enroll nearly 80 students that we tentatively identify as Dreamers. Virginia is estimated to have an eligible population of 27,00 individuals, with 9,410 currently registered as DACA recipients. Adding in our metro neighbors, Maryland and DC, brings these totals to 50,000 eligible individuals and nearly 18,000 recipients.

THE INTERIM FINAL RULE HAS SUBSTANTIAL NEGATIVE EFFECTS ON STUDENTS AT OUR INSTITUTION WHO ARE INELIGIBLE FOR TITLE IV ASSISTANCE.

¹ *Eligibility of Students at Institutions of Higher Education for Funds Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act*, 85 Fed. Reg. 36,494 (June 17, 2020), <https://www.federalregister.gov/documents/2020/06/17/2020-12965/eligibility-of-students-at-institutions-of-higher-education-for-funds-under-the-coronavirus-aid>.

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The Department estimates that its Title-IV-eligibility requirement would more than 1.12 million noncitizens from receiving emergency financial aid, to say nothing of the many other students who are ineligible for Title IV assistance on different grounds.² Separately, the Department has acknowledged the “urgent economic challenges facing many students as a result of the crisis.”³ Many students who are not eligible for Title IV benefits are experiencing those challenges particularly acutely. But the Department does not consider the economic and non-economic costs of excluding more than 1.12 million students from access to emergency financial aid during this national emergency.

All students are facing unprecedented economic and non-economic challenges as a result of COVID-19. The United States has had millions of cases of COVID-19.⁴ Meanwhile, unemployment has skyrocketed, leaving many students in dire economic circumstances.⁵ Many students face unique economic challenges: Many students lost their on-campus jobs due to COVID-19, lost their summer internships or jobs, or were ineligible for a Recovery Rebate check under the CARES Act.⁶

The Department previously “encouraged” institutions of higher education to prioritize “students with the greatest need” in awarding emergency financial aid.⁷ I agree. And we note that many students who are not eligible for Title IV assistance are among those with the “greatest need.”

Please consider these arguments in your consideration of the eligibility of college students for funds under the CARES Act. If I may provide any other information to you to support this proposal, please don’t hesitate to contact me at president@marymount.edu.

Sincerely,



Dr. Irma Becerra, President

² 85 Fed. Reg. at 36,499-50. The Department declines to estimate, as it must, how many students overall are ineligible for Title IV assistance. *See id.* at 36,497 n.2; *id.* at 35,499-50; Exec. Order 13,563.

³ 85 Fed. Reg. at 36,498.

⁴ *Coronavirus Disease 2019, Cases in the US*, Ctrs. for Disease Control & Prevention (last updated July 1, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

⁵ *Labor Force Statistics*, U.S. Bureau of Labor Statistics (last visited July 1, 2020), <https://data.bls.gov/timeseries/LNS14000000>.

⁶ *E.g.*, David Yaffe-Bellany, *Another Casualty of the Coronavirus: Summer Internships*, N.Y. Times (May 27, 2020), <https://www.nytimes.com/2020/05/22/business/coronavirus-summer-internships.html>; Sara Goldrick-Rab et al., *New Evidence on Basic Needs Insecurity and Student Well-Being*, Hope Ctr., 2 (June 2020), https://hope4college.com/wp-content/uploads/2020/06/Hopecenter_RealCollegeDuringthePandemic.pdf; Hao Liu, *Most College Students Won't Get Stimulus Checks—But They Should*, Fortune (May 5, 2020), <https://fortune.com/2020/05/05/stimulus-checks-college-students-debt/>.

⁷ Letter from Betsy DeVos to College and University Presidents (Apr. 9, 2020), <https://www2.ed.gov/about/offices/list/ope/caresactgrantfundingcoverletterfinal.pdf>.