# **COVID RELIEF ACTS - RELEVANT TCU EXCERPTS**

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## **CARES Act – P.L. 116-136, TITLE VIII**

DEPARTMENT OF EDUCATION

### **EDUCATION STABILIZATION FUND**

#### SEC. 18001.

(a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than 1/2 of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior;

(2) one-half of 1 percent for the Secretary of Interior, in consultation with the Secretary of Education, for programs operated or funded by the Bureau of Indian Education; and

*Subsection (a)(2) earmarks funding from the Dept. of Education – Higher Education Emergency Relief Fund to be appropriated by agreement to the Bureau of Indian Education (BIE) and allocated to Tribal Colleges and Universities. This funding is referred to as “****BIE – ESF I****” and appropriated by BIE directly to TCUs. The total amount of BIE – ESF II funding appropriated to TCUs was* ***$30,750,000****.*

(3) 1 percent for grants to States with the highest coronavirus burden to support activities under this heading in this Act, for which the Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and approve or deny applications not later than 30 days after receipt.

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 9.8 percent to carry out section 18002 of this title.

(2) 43.9 percent to carry out section 18003 of this title.

(3) 46.3 percent to carry out section 18004 of this title.

*Subsection (b)(3) creates the Higher Education Emergency Relief Fund, which includes two primary possible pools of funds [(a)(1) and (a)(2)] for Tribal Colleges and Universities. This funding is referred to as “DOE – HEERF I” and appropriated by DOE to TCUs by an agreement of terms. (See Sec. 18004)*

### **HIGHER EDUCATION EMERGENCY RELIEF FUND**

#### SEC. 18004.

(a) IN GENERAL.—The Secretary shall allocate funding under this section as follows:

(1) 90 percent to each institution of higher education to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 75 percent according to the relative share of fulltime equivalent enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 25 percent according to the relative share of fulltime equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

*Subsection (a)(1) appropriates funding to all qualified institutions of higher education, including TCUs, to prevent, prepare for, and respond to coronavirus. This funding is referred to as “DOE – HEERF I (a)(1) Program” and appropriated by DOE to TCUs .*

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section 18004(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the Higher Education Act), including food, housing, course materials, technology, health care, and child care.

*Subsection (a)(2) appropriates supplemental funding to targeted institutions of higher education, including TCUs, to address needs directly related to coronavirus, that shall be in addition to awards made in (a)(1). This funding is referred to as “DOE – HEERF I(a)(2) Program” and appropriated by DOE directly to TCUs.*

(3) 2.5 percent for part B of title VII of the Higher Education Act for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the Higher Education Act), including food, housing, course materials, technology, health care, and child care.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—Except as otherwise specified in subsection (a), an institution of higher education receiving funds under this section may use the funds received to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus, so long as such costs do not include payment to contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship. Institutions of higher education shall use no less than 50 percent of such funds to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student’s cost of attendance, such as food, housing, course materials, technology, health care, and child care).

(d) SPECIAL PROVISIONS.—

(1) In awarding grants under section 18004(a)(3) of this title, the Secretary shall give priority to any institution of higher education that is not otherwise eligible for funding under paragraphs (1) and (2) of section 18004(a) of this title of at least $500,000 and demonstrates significant unmet needs related to expenses associated with coronavirus.

(2) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes the use of funds provided under this section.

## **CRRSA Act – P.L. 116-260, TITLE III**

DEPARTMENT OF EDUCATION

### **EDUCATION STABILIZATION FUND**

#### SEC. 311.

(a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) one-half of 1 percent to the outlying areas for supplemental awards to be allocated not more than 30 calendar days from the date of enactment of this Act on the basis of the terms and conditions for funding provided under section 18001(a)(1) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for a supplemental award to be allocated to the Secretary of Interior not more than 30 calendar days from enactment of this Act for programs operated or funded by the Bureau of Indian Education (BIE) under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116–136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities, except that funding shall be allocated as follows:

(A) 60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding.

(B) 40 percent for Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 (‘‘HEA’’).

*Subsection (a)(2)(B) earmarks additional funding appropriated to the Dept. of Education – Higher Education Emergency Relief Fund to be appropriated by agreement to the Bureau of Indian Education (BIE) and allocated to Tribal Colleges and Universities. This funding is referred to as “****BIE – ESF II****” and appropriated by BIE directly to TCUs. The total amount of BIE – ESF II funding appropriated to TCUs was* ***$147,384,000****.*

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 312 of this title.

(2) 67 percent to carry out section 313 of this title.

(3) 28 percent to carry out section 314 of this title.

### HIGHER EDUCATION EMERGENCY RELIEF FUND

#### SEC. 314.

(a) IN GENERAL.—From funds reserved under section 311(b)(3) of this title the Secretary shall allocate amounts to institutions of higher education with an approved application as follows:

(1) 89 percent to each institution of higher education as defined in section 101 or section 102(c) of the HEA to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 37.5 percent according to the relative share of full-time equivalent enrollment of students who were Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(B) 37.5 percent according to the relative share of the total number of students who were Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(C) 11.5 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(D) 11.5 percent according to the relative share of the total number of students who were not Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(E) 1 percent according to the relative share of fulltime equivalent enrollment of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency; and

(F) 1 percent according to the relative share of the total number of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency.

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the HEA to address needs directly related to coronavirus, that shall be in addition to awards made in subsection (a)(1), and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A) through (C), on the basis of the formula described in subparagraphs (A) through (F) of subsection (a)(1):

(A) Except as otherwise provided in subparagraph (2)(B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the HEA, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

(iii) 10 percent according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at such institution;

(B) For eligible institutions under section 326 of the HEA, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94); and

(C) For eligible institutions under section 316 of the HEA, the Secretary shall allot funding according to the formula in section 316(d)(3) of the HEA.

(3) 0.5 percent for part B of title VII of the HEA for institutions of higher education that the Secretary determines have, after allocating other funds available under this section, the greatest unmet needs related to coronavirus, including institutions of higher education with large populations of graduate students and institutions of higher education that did not otherwise receive an allocation under this section. In awarding funds under this paragraph, the Secretary shall publish an application for such funds no later than 60 calendar days of enactment of this Act, and shall provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate no later than 7 days prior to publishing such application.

(4) 3 percent to institutions of higher education as defined in section 102(b) of the HEA allocated on the basis of the formula described in subparagraphs (A) through (F) of subsection (a)(1).

(b)

(1) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to institutions under title IV of the HEA.

(2) The Secretary shall allocate amounts to institutions of higher education under this section, to the extent practicable, as follows:

(A) under subsections (a)(1) and (a)(4) within 30 calendar days of the date of enactment of this Act;

(B) under subsection (a)(2) within 60 calendar days of the date of enactment of this Act; and

(C) under subsection (a)(3) within 120 calendar days of enactment of this Act.

## **ARP Act – P.L. 117-2. TITLE II**

COMMITTEE ON HEALTH,

EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Matters

PART 1—DEPARTMENT OF EDUCATION

### HIGHER EDUCATION EMERGENCY RELIEF FUND

#### SEC. 2003.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $39,584,570,000, to remain available through September 30, 2023, for making allocations to institutions of higher education in accordance with the same terms and conditions of section 314 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116–260), except that—

(1) subsection (a)(1) of such section 314 shall be applied by substituting ‘‘91 percent’’ for ‘‘89 percent’’;

(2) subsection (a)(2) of such section 314 shall be applied—

(A) in the matter preceding subparagraph (A), by substituting ‘‘under the heading ‘Higher Education’ in the Department of Education Appropriations Act, 2020’’ for ‘‘in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94)’’; and

(B) in subparagraph (B), by substituting ‘‘under the heading ‘Higher Education’ in the Department of Education Appropriations Act, 2020’’ for ‘‘in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94)’’;

(3) an institution that receives an allocation apportioned in accordance with clause (iii) of subsection (a)(2)(A) of such section 314 that has a total endowment size of less than $1,000,000 (including an institution that does not have an endowment) shall be treated by the Secretary as having a total endowment size of $1,000,000 for the purposes of such clause (iii);

(4) subsection (a)(4) of such section 314 shall be applied by substituting ‘‘1 percent’’ for ‘‘3 percent’’;

(5) except as provided in paragraphs (7) and (9) of subsection (d) of such section 314, an institution shall use a portion of funds received under this section to—

(A) implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines; and

(B) conduct direct outreach to financial aid applicants about the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or independent student, or other circumstances, described in section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt);

(6) the following shall not apply to funds provided or received in accordance with this section—

(A) subsection (b) of such section 314;

(B) paragraph (2) of subsection (c) of such section 314;

(C) paragraphs (1), (2), (4), (5), (6), and (8) of subsection (d) of such section 314;

(D) subsections (e) and (f) of such section 314; and

(E) section 316 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116–260); and

(7) an institution that receives an allocation under this section apportioned in accordance with subparagraphs (A) through (D) of subsection (a)(1) of such section 314 shall use not less than 50 percent of such allocation to provide emergency financial aid grants to students in accordance with subsection (c)(3) of such section 314.

ARPA HEERF Impact Summary

*ARPA allocates an additional $40 billion (available through September 30, 2023) to HEERF. The new appropriation mostly follows the allocation methodology, terms, and conditions in the second stimulus legislation, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA). Under the ARPA, 91 percent of the total fund (versus 89 percent under the CRRSAA), or $36 billion, will be allocated to institutions based 75 percent on Pell Grant-eligible students and 25 percent on remaining enrollment (not Pell-eligible). No less than 50 percent of the funds must be used to provide emergency financial aid grants to students.*

*The funds can be used for the same items as under the CRRSAA:*

* *To defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); carry out student support activities authorized by the Higher Education Act of 1965, as amended (HEA) that address needs related to coronavirus*
* *Make additional financial grants to students, which may be used for any component of the student’s cost of attendance or for emergency costs that arise due to coronavirus, such as tuition, food, housing, health care (including mental health care), or child care*

*In addition, the ARPA notes that a portion of funds received should be used to:*

* *Implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines*
* *Conduct direct outreach to financial aid applicants about the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or independent student, or other circumstances, described in §479A of the Higher Education Act of 1965*