



May 14, 2020

Honorable Lamar Alexander, Chairman  
Senate Health, Education, Labor, and Pensions Committee  
428 Dirksen Senate Office Building  
Washington, DC 20510

Honorable Patty Murray, Ranking Member  
Senate Health, Education, Labor, and Pensions Committee  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

As Congress works together to address the needs of millions of Americans impacted by COVID-19, AccessLex Institute urges you to consider changes to the treatment of institutional and other emergency grant funding for postsecondary students under the Higher Education Act to ensure that students receive this money as quickly as possible.

AccessLex Institute, in partnership with its nearly 200 nonprofit and state-affiliated ABA-approved member law schools, has been committed to improving access to legal education and to maximizing the affordability and value of a law degree since 1983. The AccessLex Center for Legal Education Excellence advocates for policies that make legal education work better for students and society alike and conducts research on the most critical issues facing legal education today.

Over the last several months, the federal government, institutions of higher education, charities, individual donors and community partners have come together to create various emergency relief funds for postsecondary students. For example, AccessLex Institute has made available \$5 million through a Law Student Emergency Relief Program to it approximately 200 Member law schools. However, to ensure that these funds flow quickly and seamlessly (and in many cases, at all) to students who have urgent needs, Congress must remove unnecessary restrictions related to financial aid awards.

Under current law, institutional grants are categorized as "estimated financial assistance," which is used to determine a student's financial aid award. A student's total financial aid and other estimated financial assistance cannot exceed the student's financial need. Under normal circumstances, a student who has reached the maximum aid award but unexpectedly needs additional funds can request an increase. The financial aid office would then use professional judgment to determine whether additional aid is appropriate.

While this process, which is time-consuming and requires strict documentation, may be feasible in an academic year when a relatively small number of students request additional aid, it is proving to be overly burdensome during the COVID-19 pandemic when a much larger number of students find themselves struggling to meet their basic needs. The restrictions in the law are causing delays in distributing institutional emergency grants at a time when students need access to those funds as quickly as possible. Moreover, the COVID-19 emergency has created various situations where the nature of the need created means that the use of professional judgment is not even available.

Therefore, AccessLex urges Congress to exempt from estimated financial assistance institutional and other emergency grants that are given to students for the purpose of providing relief due to the COVID-19 emergency. Or perhaps more simply, apply the same regulatory relief to these funds that Congress applied to the \$14 billion Higher Education Emergency Relief Fund in the CARES Act.

Thank you for your time and attention to this matter. We stand ready to work with Congress and the Administration on this and any future policy changes that may be necessary to support students as the COVID-19 pandemic continues. If you have any questions, please do not hesitate to contact Nancy Conneely, Director of Policy, at [nconneely@accesslex.org](mailto:nconneely@accesslex.org).

Sincerely,



Christopher P. Chapman  
President and Chief Executive Officer

Cc: Honorable Mitch McConnell, Majority Leader  
Honorable Chuck Schumer, Minority Leader