

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

June 3, 2020

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

Dear Secretary DeVos,

We write to express our concern about the Department of Education's ("the Department") conditions imposed upon Puerto Rico's access to Governor's Education Emergency Relief (GEER) and Elementary and Secondary Emergency Relief (ESSER) funding. We ask that the Department use its authority to immediately disburse funding to Governor Wanda Vázquez Garced and Puerto Rico's Department of Education (PRDE).

In a letter to the Department on May 18, Governor Vázquez Garced outlined the importance of ESSER and GEER funding to the 295,000 students in Puerto Rico. The governor also detailed the steps that Puerto Rico would take to work with the Department to access this funding. Puerto Rico's students cannot afford any further delay and we are troubled by the potential lasting impact of the Department's delays and inaction on this issue.

As you may know, in the midst of the coronavirus pandemic Puerto Rico is simultaneously recovering from a number of natural disasters including Hurricanes Irma and Maria. While Puerto Rico has taken careful and appropriate measures to manage the impact of coronavirus, the global pandemic could compound the effects of these disasters and for this reason, the timely release of ESSER and GEER funding is of utmost importance to ensure access to quality education.

Puerto Rico qualifies for \$349,113,000 in ESSER funding and \$47,812,316 in GEER funding under the CARES Act, but has been denied access to both of these funds. Congress passed the CARES Act in March with the intent that education funding be disbursed expediently to governors and local education authorities to mitigate the impacts of the coronavirus. The Department has acknowledged the need for expediency in its own guidance<sup>[1]</sup> documents<sup>[2]</sup> and communications with governors<sup>[3]</sup> and commissioners<sup>[4]</sup>.

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<sup>[1]</sup> The Department of Education, *Notice Announcing Availability of Funds and Deadline for the Governor's Emergency Education Relief Fund (GEER Fund)* <https://oese.ed.gov/files/2020/04/GEER-Notice-of-Funds-1.pdf>

<sup>[2]</sup> The Department of Education, *Frequently Asked Questions about the Governor's Emergency Education Relief Fund (GEER Fund)* <https://oese.ed.gov/files/2020/05/FAQs-GEER-Fund.pdf>

<sup>[3]</sup> The Department of Education, *Cover letter to governors* <https://oese.ed.gov/files/2020/04/GEER-Fund-Cover-Letter-to-Governors.pdf>

<sup>[4]</sup> The Department of Education, *Cover letter to commissioners* <https://oese.ed.gov/files/2020/04/ESSER-Fund-Cover-Letter.pdf>

Imposing additional preconditions not contained in the CARES Act on PRDE before disbursement goes against Congressional intent. Almost 300,000 children in Puerto Rico have been outside of formal classrooms for almost three months. Moreover, kids from the southern part of the island struck by the earthquakes have not been able to attend school since January of this year. The children of Puerto Rico cannot wait any longer. We cannot expect them to recover if we continue to impose hurdles to doing so. That should not be the role of the Department or these emergency dollars.

We understand that the PRDE is in negotiations with a third party fiduciary agent (TFPA) as outlined by the Department's FY2019 Specific Conditions letter. This process is separate from ESSER and GEER funding disbursement and should not be altered, provided how significant the imposition of a TFPA will be for years to come.

We ask that the Department consider Puerto Rico's unique circumstances and immediately cease any additional preconditions to, or delays in, disbursing GEER and ESSER funding.

Thank you in advance for your consideration of this request.

Sincerely,

/s/ Charles E. Schumer  
United States Senator

/s/ Nydia Velázquez  
Member of Congress

/s/ Elizabeth Warren  
United States Senator

/s/ Edward J. Markey  
United States Senator

/s/ Cory A. Booker  
United States Senator

/s/ Tim Kaine  
United States Senator

/s/ Kirsten Gillibrand  
United States Senator

/s/ Robert Menendez  
United States Senator

/s/ Kamala D. Harris  
United States Senator

/s/ Chris Van Hollen  
United States Senator

/s/ Richard J. Durbin  
United States Senator

/s/ Sherrod Brown  
United States Senator

/s/ Ron Wyden  
United States Senator

/s/ Amy Klobuchar  
United States Senator

/s/ Richard Blumenthal  
United States Senator

/s/ Bernard Sanders  
United States Senator

/s/ José E. Serrano  
Member of Congress

/s/ Barbara Lee  
Member of Congress

/s/ Alexandria Ocasio-Cortez  
Member of Congress

/s/ Eleanor Holmes Norton  
Member of Congress

/s/ Rosa DeLauro  
Member of Congress

/s/ Jesús G. "Chuy" García  
Member of Congress

/s/Veronica Escobar  
Member of Congress

/s/Bill Foster  
Member of Congress

/s/John Lewis  
Member of Congress

/s/Jamie Raskin  
Member of Congress

/s/Darren Soto  
Member of Congress

/s/Sheila Jackson Lee  
Member of Congress

/s/André Carson  
Member of Congress

/s/Adriano Espaillat  
Member of Congress

/s/Kathy Castor  
Member of Congress

/s/Debbie Wasserman Schultz  
Member of Congress

/s/Sylvia R. Garcia  
Member of Congress