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Congress of the United States
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March 12, 2021

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Cardona:

Congratulations on your recent confirmation as Secretary of the U.S. Department of Education. I look forward to working with you on behalf of our students in Puerto Rico and the rest of the United States.

I write regarding Puerto Rico's access to education relief funding appropriated in response to the COVID-19 pandemic. As you are aware, the Puerto Rico Department of Education (PRDE) was allocated \$349,113,105 through the Elementary and Secondary School Emergency Relief (ESSER I) Fund authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). PRDE is set to receive an additional \$1,320,626,161 through the ESSER II Fund authorized by the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act).

Similarly, the Office of the Governor of Puerto Rico was allocated \$47,812,236 through the CARES Act's Governor's Emergency Education Relief (GEER I) Fund. The CRRSA Act provided an additional allotment of \$21,829,617 through the GEER II Fund and \$104,161,180 under the Emergency Assistance to Non-Public Schools (EANS) program.

To date Puerto Rico's access to these funds has been limited due to delays in procuring a third-party fiduciary agent (TPFA) to manage federal awards, a requirement included in both the Fiscal Year (FY) 2019 and FY 2020 Departmental Specific Conditions. While the U.S. Department of Education awarded PRDE its ESSER I grant on June 16, 2020, it was only allowed to draw down up to \$7,318,130 to cover immediate needs over the following 60 days. Access to the remaining portion of the award—as well as ESSER II funding provided under the CRRSA Act—would be provided once the TPFA was in place. Puerto Rico's ability to receive GEER I, GEER II, and EANS funding was also limited by the lack of the TPFA.

Fortunately, upon taking office Governor Pedro Pierluisi prioritized the need to finalize the contract with the TPFA, which was approved by the Financial Oversight and Management Board for Puerto Rico on February 26, 2021. However, it is my understanding that it could still take a few months for the TPFA to be fully operational.

I am concerned that this could further delay Puerto Rico's access to crucial funding to support our students, teachers, and the safe reopening of schools. Particularly concerning is the fact that PRDE has until June 16, 2021—one year from the date the award was made—to obligate the entirety of its ESSER grant. As stipulated in the CARES Act, any funds not awarded within this period must be returned to the U.S. Department of Education.

Therefore, I respectfully request that the U.S. Department of Education explore all available options to provide Puerto Rico access to additional funding under its ESSER I, ESSER II, GEER I, GEER II, and EANS allocations, as appropriate, until the TPFA is fully in place. Additionally, I ask that you work with PRDE to ensure it can obligate its ESSER I grant before the upcoming June 16, 2021 deadline.

Thank you for your attention to this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenniffer Gonzalez-Colón". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jenniffer Gonzalez-Colón
Member of Congress