January 18, 2023

Mr. Douglas O’Donnell
Acting Commissioner
Internal Revenue Service
1111 Constitution Ave., NW
Washington, DC 20224

Dear Commissioner O’Donnell,

I am writing today on behalf of the National Association of Independent Colleges and Universities (NAICU) and the undersigned member associations regarding the backlog of Employee Retention Tax Credit (ERC) filings by our institutions of higher education.

NAICU serves as the unified voice of private, nonprofit higher education. Founded in 1976, NAICU is the only national organization solely focused on representing private, nonprofit higher education on public policy issues in Washington, DC. NAICU’s membership reflects the diversity of private, nonprofit higher education in the U.S. Our member institutions include major research universities, faith-based colleges, Historically Black Colleges and Universities, Minority-Serving Institutions, art and design colleges, traditional liberal arts and science institutions, women’s colleges, work colleges, two-year colleges, and schools of law, medicine, engineering, business, and other professions.

With more than 5 million students attending 1,700 independent colleges and universities in all 50 states, more than 1 million employees, and a collective national economic impact of $591.5 billion, the private sector of American higher education has a dramatic impact on our nation’s larger public interests.

It has come to my attention that many of our member colleges and universities are reporting a significant delay in receiving ERC’s that have been filed with the IRS since the ERC was enacted to assist employers and employees during the pandemic. Private, nonprofit colleges and universities across the country are reporting delays of many months, and even a full year or more, waiting for these tax credits to be received. We understand that employers across the country are also seeing significant delays in receiving this credit and that this is due in large part to the paper-filing requirement of amended returns. However, electronic filings seem to also be significantly delayed.

Our colleges are economic engines in many small communities across the country. The pandemic has hit our colleges and local communities hard, and the stimulus provisions from the federal government have been crucial to our institutions emerging from the pandemic with some level of economic health. In addition to the direct funding our colleges and students received via the Department of Education, the employer tax benefits have been critical lifesavers.
I urge your assistance to expedite the backlog of ERC filings by the many private, nonprofit colleges and universities across the country. I would be happy to offer NAICU’s assistance in identifying the institutions awaiting ERC funds, and any other help that might lead to freeing up these much-needed credits.

Thank you for your time and consideration of this important request.

Sincerely,

Barbara K. Mistick, D.M.
President

On behalf of:

Association of Advanced Rabbinical and Talmudic Schools
Association of Catholic Colleges and Universities
Association of Independent California Colleges and Universities
Association of Independent Colleges of Art and Design
Association of Independent Colleges and Universities in Massachusetts
Association of Independent Colleges and Universities of Rhode Island
Association of Independent Kentucky Colleges and Universities
Association of Presbyterian Colleges and Universities
Council for Christian Colleges and Universities
Commission on Independent Colleges and Universities in New York
Conference for Mercy Higher Education
Consortium of Hospital-Affiliated Colleges and Universities
Council of Independent Nebraska Colleges
General Board of Higher Education and Ministry of The United Methodist Church
Georgia Independent College Association
Independent Colleges and Universities of Florida
Independent Colleges and Universities of Texas
Independent Colleges of Indiana
Iowa Association of Independent Colleges and Universities
Kansas Independent College Association
Michigan Independent Colleges and Universities
Network of Colleges and Universities, Evangelical Lutheran Church in America
New American Colleges and Universities
North Carolina Independent Colleges and Universities
Oregon Alliance of Independent Colleges and Universities
South Carolina Independent Colleges and Universities
Tennessee Independent Colleges and Universities Association